ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

Private Act.

An Act to authorise the Adelaide and Hindmarsh Tramway Company, Limited, to construct, maintain, and work Tramways for horse-traction and steam or other power from the western extremity of Tramway Line No. 7 to New Thebarton, and thence, via Henley Beach, to Tramway Line No. 6, at or near Kirkcaldy Beach, and for other purposes.

[Assented to, November 18th, 1881]

WHEREAS the Adelaide and Hindmarsh Tramway Company, Limited, registered and incorporated under the "Companies Act, 1864," by a Private Act passed in the Session holden in the fortieth and forty-first years of the reign of Her present Majesty Queen Victoria, intituled the "Adelaide and Hindmarsh Tramways Act, 1877," obtained the authority of Parliament to form, lay down, construct, maintain, and work the tramways in the said Private Act set forth: And whereas the said Adelaide and Hindmarsh Tramway Company, Limited, have constructed, maintained, and worked certain of the tramways in the said Act mentioned to great local and public advantage: And whereas the extension of certain of the said Company's tramways to New Thebarton, and thence, via Henley Beach, to the extremity of tramway line No. 6, at or near Kirkcaldy Beach, in such a manner as not to impede or injure ordinary traffic, would be productive of further local and public benefit and convenience: And whereas the said Adelaide and Hindmarsh Tramway Company, Limited, is willing and ready, at its own expense, to construct maintain,
maintain, and work the said extended tramways in addition to and in conjunction with certain of their said present lines of tramway, but the authority of Parliament is requisite to enable the Company so to do, and it is therefore desirable to confer on the Company all rights, powers, privileges, and immunities necessary or convenient for the construction, maintenance, and working of such extended lines of tramway—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may for all purposes be cited as the "Adelaide and Hindmarsh Tramways Extension Act, 1881."

2. The said the "Adelaide and Hindmarsh Tramways Act, 1877," shall be incorporated with and form part of this Act.

3. In the construction of this Act, unless there shall be something in the subject matter or context repugnant to such meanings, and except when altered by this interpretation clause, the meanings which have been assigned by the "Lands Clauses Consolidation Act," and by the "Adelaide and Hindmarsh Tramways Act, 1877," to certain words and expressions in the said last mentioned Acts, shall be attributed to such words and expressions whenever they occur herein—

The expression "the tramways" shall mean the tramways or any part thereof authorised to be constructed by this Act:

The expression "the deposited plan" shall mean the plan of the tramways and the book of reference thereto, which were deposited on the 18th day of June, 1881, in the office of the Examiner for Private Bills, in the office of the Surveyor-General, in the office of the Local Board of Main Roads, Central Division, and in the offices of the District Councils of West Torrens and Woodville:

The expression the "principal Act" shall mean the "Adelaide and Hindmarsh Tramways Act, 1877."

4. In addition to the tramways authorised by the principal Act, and subject to the provisions of this Act, the Company may make, form, lay down, construct, maintain, and work on the lines shown in the plans, the tramways hereinafter described, and also the curves and turnouts shown in the said deposited plans, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, junctions, stations, approaches, and conveniences connected therewith, and may enter upon, purchase, take, and use such of the lands delineated and described in the deposited plan (if any) as they may require for such purposes.

5. The
5. The tramways hereinbefore referred to and authorised by this Act are as follows:—

A tramway, "No. 7 Extension," four furlongs six chains and seven links or thereabouts in length, commencing at a point at the junction of the Henley Beach Road and Taylor's Bridge Road, being the extremity of tramway line No. 7, and thence passing as a single line along the said Henley Beach Road to a point in the said Henley Beach Road about one hundred and twenty feet west of the junction of the said Henley Beach Road and a new street called Henley-street there:

A tramway, No. 8, five miles one furlong eight chains and seventy-one links or thereabouts, commencing at a point in the Henley Beach Road about one hundred and twenty feet west of the junction of the said road and a new street called Henley-street there, and passing as a single line along the said Henley Beach Road to Sea View Road, at Henley Beach, and along the said Sea View Road and Adelaide-terrace to Beach-street, to the western extremity of tramway line No. 6.

6. Clause 5 in the principal Act is hereby repealed, so far as relates to tramway lines No. 2 and No. 3, and that portion of tramway line No. 4 between the Company's stables and land on part section 372 and the south-eastern corner of the section 47; and all powers granted to the said Company in respect of the said lines No. 2, No. 3, and the said portion of line No. 4, shall, from the passing of this Act, absolutely cease.

7. The centre line of every tramway shall be parallel to the centre line of the street in which such tramway shall be laid, and shall be at a distance of not less than nine feet therefrom, except where the line of such tramway shall be a curve, as shown in the deposited plan.

8. Whenever any road upon which the tramways are hereby authorised to be constructed shall be of a less width than sixty feet, the Company, if called upon so to do by the street authority, shall cause the said road to be increased to a width of not less than sixty feet: Provided always that the road authority giving such notice shall be liable to pay to the Company half the cost of widening such road: Provided also that the street authority shall have power to purchase and take all lands required for such purpose.

9. Before opening the said tramways for traffic the Company shall fill up all ditches existing on the roads along which the said tramways are proposed to be constructed, so that the whole width of all such roads shall be available for traffic.

10. Notwithstanding anything in the deposited plans contained, the Company shall not carry the tramways across bridge marked Bridge.
bridge No. 2 in the said deposited plans, but shall erect a new bridge alongside of the same to the satisfaction of the street authority, over which bridge the said tramways shall pass.

Completion and maintenance of tramways.

11. The tramway "No. 7 Extension" shall be completed fit for traffic within one year, and the tramway No. 8 within two years, from the passing of this Act, or within such further times respectively (if any) not exceeding twelve months from the end of such one year and two years respectively, as the Governor may see fit to allow; and from and after the end of the said one year and two years, respectively, or of such further time (if any) as may have been allowed for constructing the tramways, the Company shall provide cars in sufficient numbers to travel along the tramways hereby authorised between the respective termini thereof at least six times each way between the hours of seven in the morning and eleven in the evening of every day except Sunday.

Rails to be guarded.

12. Clause 8 in the principal Act shall be read and construed as though the words "and all such rails shall be guarded with wooden rails or blocks of stone laid close to and parallel with the rail to be constructed and laid to the satisfaction of the street authorities," were inserted after the concluding word of the said clause.

Tolls and charges.

13. The provisions and regulations as to fees, tolls, and charges for the conveyance of passengers and goods payable under the principal Act shall apply to the tramways authorised by this Act.

Security from treasurer.

14. The Company, prior to engaging any treasurer, manager, superintendent, receiver, ticket clerk, collector, inspector, or servant to be entrusted with the collection or custody of any moneys in connection with, or for the use of, the tramways hereby authorised, shall receive from such person entrusted as aforesaid a bond, with sufficient sureties, conditioned in such an amount as the directors of the Company may deem sufficient as security for the repayment of any moneys which shall be found wanting or deficient when the accounts and receipts of such person are investigated.

Payment of capital subscribed to be compelled.

15. All moneys at any time becoming due to the Company in respect of calls made upon shares not fully paid up, but subscribed for the purpose of constructing and maintaining the tramways hereby authorised, shall be debts due by such shareholders respectively, and recoverable by action accordingly.

Accounts to be kept.

16. The said Company shall cause to be kept by competent officials full and particular accounts of all moneys received by the Company, whether by reason of the fees, tolls, and charges hereby authorised, or in any other manner whatsoever, and shall keep full and particular accounts of all moneys, outgoings, and debts expended or owing by or on behalf of the said Company in connection with the said tramways, and shall, once at least in every year, cause a balance to be made of all such accounts, which balance and
and the report therewith shall be audited in manner hereinafter mentioned and provided.

17. Notwithstanding anything in the Company's articles of association, the Company shall, once at least in every year, cause such accounts to be submitted to two auditors to be appointed by the shareholders of the Company, and such auditors shall, for the purpose of assisting them in the preparation of a full, true, and impartial report, be supplied by the directors of the Company with all books, accounts, memoranda, and vouchers relating in anywise to the affairs of the said Company.

18. The remuneration of such auditors shall be fixed by the shareholders of the Company at the time of their appointment, and shall be payable out of the funds of the Company.

19. The Company shall also, once in every year at the least, cause to be prepared an abstract of such accounts showing the total amount realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the Company, together with a statement of the balance of the account duly audited, which statement shall be signed and approved by such auditors, and by the chairman of the directors of the Company, and the Company shall cause to be transmitted one copy of such account, free of charge, to the Auditor-General of the said province on or before the thirty-first day of January in every year: In the event of the Company not forwarding such account at the time hereinbefore provided, they shall forfeit and pay a sum or penalty of Five Pounds for every day during which the said account is withheld from the Auditor-General, and the said account shall, after due inspection by the Auditor-General, be filed by him in his office, and shall be open to the inspection of the public at all reasonable hours on payment of the sum of One Shilling.

20. Notwithstanding anything contained in the said principal Act, the Company shall not have power to raise by loan or mortgage any sum exceeding one-third part of the capital of the Company, nor shall it be lawful for the Company to raise any sum whatsoever, whether on loan or mortgage, unless and until an amount equal to one-half of the capital of the Company shall have been fully paid up by the shareholders thereof.

21. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of Four Hundred and Fifty-seven Pounds, being one-twentieth of the amount of the estimate in respect of the tramways authorised by this Act, has been deposited in the Treasury of the said province: Be it Enacted—That the said sum of Four Hundred and Fifty-seven Pounds, so deposited as aforesaid, in respect of the application for this Act, shall not be paid or transferred to, or on the application of, the person or persons depositing
deposing the same, or their successors or representatives, unless the said Company shall, previously to the expiration of the periods limited by this Act for completion of the tramways hereby authorised to be made, either open the said tramways for the public conveyance of passengers, or prove to the satisfaction of the Commissioner of Public Works that the said Company have paid up one-half of the amount of the capital raised by means of shares for the construction of the said tramways, and have expended for the purpose of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Commissioner of Public Works, the said sum of money deposited as aforesaid shall be applied in the manner hereinafter specified, and the certificate of the said Commissioner shall be sufficient evidence of the fact so certified: Provided always, that if the aforesaid conditions for repayment of the said sum of Four Hundred and Fifty-seven Pounds shall be complied with, such sum shall thereupon be repaid to the said Company by the Treasurer.

22. The said sum of money deposited as aforesaid shall be applicable, and, after due notice in the Government Gazette, shall be applied towards compensating any person whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said tramways, or any portion thereof; or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all street authorities for the expenses incurred by them in taking up any tramway or materials connected therewith, placed by the Company in or on any road, vested in or maintainable by such street authorities respectively; and in making good all damages caused to such roads by the construction or abandonment of such tramway, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportion as to the Supreme Court or any Judge thereof may seem fit; and if no such compensation shall be payable, or if a portion of such sum shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be forfeited to Her Majesty, and accordingly be paid or transferred to and form part of the revenue of the province in such manner as the said Court or Judge thinks fit to order on application of the Attorney-General, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the said Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

23. If
23. If the whole of the tramways authorised by this Act shall not be completed within the periods limited by this Act, then, on the expiration of such periods, all the powers by this Act granted to the Company shall cease.

24. After the lapse of three years from the passing of this Act the payment of any dividend on the ordinary and unguaranteed capital of the Company shall be suspended until the tramways hereby authorised shall have been completed and thrown open for the conveyance of the public.

25. It shall not be lawful for the Company to employ any part of the capital raised by payment of calls for the purpose of paying any sum or sums of money as interest or dividends upon such calls.

26. The Company shall not out of the capital raised for the purposes of the principal Act pay the deposit money referred to in the twenty-first section hereof.

27. Nothing herein contained shall be deemed or construed to exempt the tramways by this Act authorised to be made from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future Session of Parliament or from any future revision and alteration under the authority of Parliament of the maximum rates of fares and charges authorised by this Act.

28. Notwithstanding anything in the principal Act contained, at any time after the expiration of fourteen years from the time of the passing of this Act, it shall be lawful for the Government to purchase the said tramways and undertaking, at a price to be determined in manner specified in the sixtieth section of the principal Act, with reference to the purchase by the Corporation of the City of Adelaide of the tramways thereby authorised; and if at any future time the Government shall construct or erect any line or lines of tramway or railway, the construction or erection of which may injuriously affect, whether by competition or otherwise, the lines of tramway hereby authorised, the Company shall not be entitled to receive or claim any compensation from the Government by reason of such damage or injury.

29. From and after the passing of this Act, clause 60 in the principal Act shall be construed and read as though the words "seven years from the passing of this Act," in the first and second lines of the said clause, were struck out, and the words "three years after the passing of the 'Adelaide and Hindmarsh Tramways Extension Act, 1881,'" were inserted in lieu thereof, and as though the words "Corporation of the City of Adelaide," in the fifth line of the said clause and the word "Corporation" wherever it may appear in the said clause, were struck out, and the words "Government of the province" were inserted in lieu thereof; and clauses 61 and 62 in
in the said Act shall be read as if the word "Corporation," wherever it may appear in the said clause, was struck out, and the words "Government of the province" were inserted in lieu thereof.

30. Except where inconsistent with the provisions of this Act, all provisions contained in the principal Act regulating the construction and maintenance of the tramways and undertaking thereby authorised shall apply to the construction and maintenance of the tramways and undertaking hereby authorised, and all rights, powers, and liabilities vested in and affecting the Company and other persons by virtue of the principal Act in any matter relating to the tramways and undertaking thereby authorised, shall be vested in, and affect in a similar manner the said Company and all other persons in reference to the tramways and undertaking hereby authorised, and all fines, penalties, and forfeitures for any offence against the provisions of the principal Act shall be payable and recoverable in respect of similar acts and offences in reference to the tramways and undertaking hereby authorised, and all provisions contained in the principal Act as to evidence and procedure shall apply to similar matters in reference to tramways and undertaking hereby authorised; and for the purposes aforesaid the tramways and undertaking thereby authorised shall be deemed to comprise the tramways and undertaking hereby authorised.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.