ANNO QUINQUAGESIMO SECUNDO ET QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1889

*************************************************

**Private Act.**

An Act to amend "The Adelaide, Payneham, and Paradise Tramways Act, 1882," and to authorise Charles Willcox to construct, maintain, and work tramways, for horse traction, in and between certain parts of Collegetown, College Park, College Park Extension, and East Adelaide, in the Town of St. Peters, and for other purposes.

[Assented to, December 6th, 1889.]

WHEREAS the construction, maintenance, and working of tramways in and between the City of Adelaide and the Townships of Kent Town, Hackney, Collegetown, Stepney, College Park, East Adelaide, Payneham, West Marden, Marden, Felixstow, Glynde, Hectorville, East Marden, Clareville, Campbeltown, Sydenham, and Paradise, and places suburban thereto, has been of great local and public advantage: And whereas the tramways and undertaking authorised by "The Adelaide, Payneham, and Paradise Tramways Act, 1882," have been granted, transferred, and assigned to and are now vested in Charles Willcox, of Adelaide, in the said province, corn merchant: And whereas it is desirable to amend "The Adelaide, Payneham, and Paradise Tramways Act, 1882": And whereas the extension of such tramways as aforesaid, in such a manner as not to impede or injure ordinary traffic, in and between certain parts of Collegetown, College Park, College Park Extension, and East Adelaide, in the Town of St. Peters, would be productive of further local and public benefit and convenience: And whereas the said Charles Willcox is ready and willing, at his own expense, to construct, maintain, and work the
the said extended tramways in addition to and in conjunction with his present lines of tramway, but the authority of Parliament is requisite to enable him so to do, and it is therefore desirable to confer on the said Charles Willcox, his executors and administrators, all the 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, Payneham, and Paradise Tramways Act, 1882, Amendment, and Tramways Extension Act, 1889."

2. "The Adelaide, Payneham, and Paradise Tramways Act, 1882," except so far as the same is deemed to be repealed by "The General Tramways Act, 1884," or is repealed or varied by this Act and "The General Tramways Act, 1884," save so far as the same is varied or excepted by this Act, 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—

The expression "the promoter" shall mean the said Charles Willcox, and shall include his executors and administrators:

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

The expression "the deposited plans" shall mean the plan of the tramways, and the book of reference thereto, which were, on the eighteenth day of July, one thousand eight hundred and eighty-nine, deposited in the office of the Examiner of Private Bills, at Parliament House, North-terrace, Adelaide; in the office of the Surveyor-General, at Adelaide; and in the office of the Town Clerk of St. Peters, at St. Peters:

The expression "street" shall mean any public street, road, footpath, or place along or across which the tramways are authorised to be made:

The expression "principal Act" shall mean "The Adelaide, Payneham, and Paradise Tramways Act, 1882."

4. The tramways and undertaking authorised by the principal Act are hereby declared to be vested in the said Charles Willcox, his executors and administrators, and all rights, powers, authorities, obligations, and liabilities, which were conferred or imposed upon the Adelaide, Payneham, and Paradise Tramway Company, Limited, by the principal Act, or by "The General Tramways Act, 1884," in respect of the said undertaking, shall, where applicable, vest in, may be exercised by, and shall, subject to the provisions of this Act, attach to the said Charles Willcox, his executors and administrators.

5. Subject
5. Subject to the provisions of this Act, the promoter may make, form, lay down, construct, maintain, and work, on the lines shown in the deposited plans, the tramways hereinafter described, together with all proper rails, plates, works, sidings, turnouts, crossings, and junctions, stations, approaches, and conveniences connected therewith, and may cross on the level, using two rails only, the lines of tramway shown in the deposited plan.

6. The tramways hereinafter referred to and authorised by this Act are as follows:—A single line of tramway, one mile two furlongs nine chains and ninety-four links in length, commencing at a point on the present Payneham and Paradise tramline in the Lower Main North-Eastern or Payneham-road, fifteen feet south-west of the intersection of the south-eastern side of Balsil-street with the said road, and marked with the letter "A" in the deposited plan; and thence passing along the whole length of Balsil-street, College-town, to Rugby-street; thence along the whole length of Rugby-street, College Park, to Harrow-road; thence passing through East Adelaide along Harrow-road to Fourth Avenue; thence along Fourth Avenue to Winchester-street; and thence passing along Winchester-street to the Lower Main North-Eastern or Payneham-road, to a point on the present Payneham and Paradise tramline distant, in a north-easterly direction from the intersection of the north-eastern side of Winchester-street with the Lower Main North-Eastern or Payneham-road, fourteen feet, and marked with the letter "B" in the deposited plan.

7. The centre line of the tramway shall be the centre line of the streets in which such tramway shall be laid except where the line of tramway shall be a curve, and except in the cases of the turnouts shown in the deposited plan.

8. The tramways shall be completed for traffic within eighteen months from the passing of this Act, or within such further time, not exceeding twelve months (if any), from the end of such eighteen months as the Governor may see fit to allow.

9. Section 13 of the principal Act is hereby repealed so far as the same provides that the rails used in the construction of the tramway authorised by the principal Act shall be guarded on the outer side thereof with wood or stone, laid close to and parallel with such rail, and to the satisfaction of the street authorities.

10. The promoter may demand and take for every passenger conveyed upon the tramways, for the use of the tramways and car and motive power and every other expense incidental to the conveyance of such passenger, any tolls or charges not exceeding the sum of Twopence per mile, but so that, for every passenger conveyed for a distance less than three miles, the promoter may demand tolls and charges as for three miles, and for every fraction of a mile beyond three miles, or any great integral number of miles, the promoter may demand tolls and charges as for a mile.

11. At
11. At any time after the expiration of fourteen years from the
time of the passing of this Act, it shall be lawful for the Govern-
ment to purchase the tramways and undertaking hereby authorised,
upon giving to the promoter six calendar months' previous notice
in writing of such intention, at a price to be determined as follows,
that is to say:—Two arbitrators shall be appointed by the Govern-
ment, and two arbitrators by the promoter, and all matters relating
to such purchase shall be submitted to the decision of such arbitra-
tors, and in all other respects such arbitration shall be conducted in
accordance with, and under and subject to, “The Railways Clauses
Consolidation Act,” No. 7 of 1847: Provided that the Government
shall not be compelled to abide by the event of the award if the
Government shall give to the promoter one month's notice in writ-
ing to that effect, and thereupon the promoter shall be at liberty to
carry on and work the said tramways: And, provided also, that the
Government shall pay all costs of the reference and award, and all
costs and charges incidental thereto.

12. If at any future time the Government shall construct or
erect any line of tramway or railway, the construction or erection of
which may injuriously affect, whether by competition or otherwise,
the lines of tramways hereby authorised, the promoter shall not be
entitled to receive or claim any compensation from the said Govern-
ment by reason of such damage or injury.

13. 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 hereinafter 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.

14. Nothing herein contained shall be construed to limit or
affect any existing obligation with reference to the running of cars
on that portion of the line extending from the corner of Kent
Town and Magill-road to the Payneham Tramways Sheds.

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

KINTORE, Governor.