ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
SEXTO

VICTORIAE REGINAE.
A.D. 1882.

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Private Act.

An Act to authorise "The Adelaide and Suburban Tramway Company, Limited," to construct, maintain, and work Tramways for horse traction in and between certain parts of the City of Adelaide and the Townships of Kent Town, Norwood, Kensington, Burnside, Maylands, and Magill, and other places adjacent thereto, and in the neighborhood thereof, and for other purposes.

[Assented to, November 17th, 1882.]

WHEREAS the construction, maintenance, and working of tramways in and between certain parts of the City of Adelaide and the Town of Kensington and Norwood, and places suburban thereto, has been of great local and public advantage: And whereas the extension of such tramways, in such a manner as not to impede or injure ordinary traffic, in and between certain parts of the City of Adelaide and the Townships of Kent Town, Norwood, Kensington, Burnside, Maylands, and Magill, and other places adjacent thereto, and in the neighborhood thereof, would be productive of further local and public benefit and convenience: And whereas a certain Joint-stock Company, registered under "The Companies Act, 1864," as "The Adelaide and Suburban Tramway Company, Limited," is willing and ready, at its own expense, to construct, maintain, and work the said extended tramways, in addition to and in conjunction with 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
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 Suburban Tramways Extension Act, 1882."


3. In the construction of this Act, unless there shall be something in the subject-matter or context repugnant to such meanings—

The meanings which have been assigned by the "Lands Clauses Consolidation Act" to certain words and expressions shall be attributed to such words and expressions whenever they occur herein:

The expression "the Company" shall mean the "Adelaide and Suburban Tramway Company, Limited," with such extended rights, privileges, duties, and liabilities as are in accordance with the further powers by this Act conferred on the said Company:

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 first day of April, one thousand eight hundred and eighty-two, deposited in the office of the Examiner of Private Bills; and at the office of the Surveyor-General, at the Government Office, Adelaide; and at the office of the Town Clerk of Adelaide, at Adelaide; and at the office of the Town Clerk of Kensington and Norwood, at Norwood; and at the office of the Clerk of the District Council of Stepney, at Stepney; and at the office of the Clerk of the District Council of Burnside, at Burnside:

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

The expression "the street authority" shall mean the persons having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if such expression shall not be used in respect of any particular street, it shall mean the persons having the control of any street:

The expression the "principal Act" shall mean the "Adelaide and Suburban Tramways Act, 1876."
4. Subject to the provisions of this Act, the Company may make, form, lay down, construct, maintain, and work on the lines shown in the deposited plans, the tramways hereinafter described, and also the curves and turnouts shown on the said deposited plans, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, crossings and 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 plans as they may require for such purposes; and such of the said curves as shall have heretofore been constructed by the said Company are hereby authorised to be maintained.

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

1. A tramway No. 1. Seven miles one furlong two chains and eighty links in length, commencing at a point on the present line of the Company at the junction of Rundle Road and Dequetteville-terrace near Kent Town, and thence passing as a double line along Dequetteville-terrace, Kensington Road, and the Britannia Road to Gurr's Road, and continuing as a double line along the Britannia Road; thence passing as a double line through part of section 299; thence passing as a double line through Eastry-street, Rochester-street, Second-street, the Knightsbridge Road, to the Burnside Road; and thence passing as a double line along the Burnside Road to the proposed terminus of the said line at the junction of the Burnside Road and the Greenhill Road.

2. Subject to the provisions of this Act the Company may carry the line of tramways authorised by the principal Act across the footpath at each of the following places as shown on the deposited plans, that is to say—Across the footpath in High-street, Kensington, on the north-east side thereof, at a point one hundred and thirty-eight feet from the junction of the said High-street and the Britannia Road; and also across the footpath in Gurr's Road on the west side thereof at a point two hundred and ninety feet from the junction of the said Gurr's Road and the Britannia Road.

3. A tramway No. 2. Two miles seven furlongs one chain and fifty-two links in length, commencing at a point on the present line of the Company at the junction of O'Connell-street and Ward-street, and passing as a double line through Ward-street, Hill-street, and Childers-street, to the proposed terminus of the said line at the intersection of Childers-street and O'Connell-street, except where the two lines join close to the junction of O'Connell and Childers streets and are connected with the lines authorised by the principal Act by curves north and south.

4. A tramway No. 3. Four miles four furlongs and one chain in length, commencing at a point on the Magill Road opposite to allotment No. 4, in the Township of Maylands, and joining line
line of tramway No. 4 authorised by the "Adelaide and Suburban Tramway Extension Act, 1881," and thence running as a single line along the Magill Road to the junction of the said Magill Road and Kensington-terrace, there joining the said line No. 4, authorised as aforesaid; thence running as a double line along the said Magill Road to the corner of the Government Road and the Magill Road, except where the two lines are connected near the junction of the Government and Magill Roads at Magill; and thence running as a single line along the Government Road to a point on the said Government Road six chains and seventy-two links distant from the said Magill Road.

6. The centre line of every tramway shall be the centre line of the street in which such tramway shall be laid, or shall run parallel therewith at a distance of not less than five feet four inches therefrom, except on tramway No. 3, where the centre line of every tramway shall be ten feet four inches from the centre of the road, and except between the following places as shown on the deposited plans, that is to say—Between the junction of the Glen Osmond and Britannia Roads, and the proposed new tramroad through section 299 aforesaid, and between the junction of Eastry-street and Second-street and the junction of Second-street and Knightsbridge-road, where the said distance is not less than four feet four inches, and except where the line of such tramway shall be a curve as shown in the deposited plans.

7. In all cases when the tramways or any part thereof are proposed to be constructed on roads which are only partially made and metalled, the Company shall, before constructing the tramways along such roads, make and metal so much of the roadway as shall leave a clear metalled space of not less than twelve feet between the lines, if a double line of tramway is proposed to be made; or on one side of the line if a single line of tramway is proposed to be made, such additional width of roadway to be made and metalled to the satisfaction of the street authorities.

8. The tramways shall be completed fit 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, and upon the expiration of such eighteen months, or of such further time (if any) as may have been allowed as aforesaid, all the powers by this Act granted the Company shall cease to be exercisable, unless in the meantime all the tramways authorised by this Act shall have been constructed.

9. Every tramway line shall be constructed and maintained with two rails, to be laid at a distance of four feet eight and one-half inches from each other, and shall be constructed and maintained in such a manner that the uppermost surface of every rail shall be on a level with the surface of the street; and the rails used in the construction
struction of every tramway shall be of iron or steel, and of the
weight of not less than twenty pounds to the yard; and such rails
shall be grooved, the groove in no case exceeding one and one-quarter
inches in width; and all such rails shall be guarded, on the outer
side thereof, with wooden rails or blocks of stone laid close to and
parallel with the rail, to be constructed to the satisfaction of the
street authorities.

10. The Company shall use on the tramways cars with flange
wheels, or wheels specially or particularly adapted to run on a
grooved rail, and no rail shall be used in the construction of any
tramway which will have an opening of greater width than one and
one-quarter inches in the widest part.

11. The cars used on the said tramways shall be drawn by
horses.

12. The Company shall at all times keep the tramways in good
repair and working order, and after the end of the said eighteen
months, or of such further time (if any) as may have been allowed,
pursuant to the preceding section 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 ten times each way between the hours of seven in
the morning and ten in the evening of every day, except Sunday.

13. The Company may demand and take for every passenger con-
dveyed 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 Company may demand tolls and
charges as for three miles, and for every fraction of a mile beyond
three miles, the Company may demand tolls and charges as for a mile.

14. The Company prior to engaging any treasurer, manager,
superintendent, receiver, ticket clerk, collector, inspector, or other
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 servant 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 servant come to be investigated.

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, rates, 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 the report therewith, shall be audited in manner hereinafter mentioned and provided.

Accounts to be audited.

17. The Company shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors, to be appointed by the shareholders of the Company; and such auditor or auditors shall, for the purpose of assisting him or 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 Company.

Remuneration of auditors.

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

Abstract of account to be annually transmitted to Auditor-General.

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 auditor or 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 twenty-eighth day of February in every year.

Penalty.

20. 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.

Auditor-General to file abstract.

21. 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.

Restrictions as to mortgage.

22. The Company shall not have power to raise by loan, mortgage, bill of sale, or otherwise, any sum or sums exceeding one-third part of the capital of the Company, nor shall it be lawful for the Company, or any person or persons acting on its behalf, to raise any sum or sums whatsoever, whether on loan, mortgage, bill of sale, or otherwise, 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.

23. After the lapse of eighteen months from the passing of this Act, the shareholders of the Company shall not be entitled to receive any sum or sums as interest or dividends on their ordinary and unguaranteed shares in the Company, unless and until the tramways hereby authorised shall have been completed and thrown open for the conveyance of the public, and shall be in actual working order and condition.

24. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of One Thousand Four Hundred 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 One Thousand Four Hundred 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 the same, or their successors or representatives, unless the Company shall, previously to the expiration of the period 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 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 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 mentioned, and the certificate of the said Commissioner shall be sufficient evidence of the fact so certified: Provided that if the aforesaid conditions for repayment of the said sum of One Thousand Four Hundred Pounds shall be complied with such sum shall thereupon be repaid to the said Company by the Treasurer.

25. 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, 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 Company, or to be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

26. 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.

27. 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-fourth section hereof.

28. If at any future time the said 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 Company shall not be entitled to receive or claim any compensation from the said Government by reason of such damage or injury.

29. 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.

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
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 the tramways and undertaking hereby authorised; and for the purposes aforesaid all words contained in the principal Act referring to the tramways and undertaking thereby authorised shall be deemed to comprise the tramways and undertaking hereby authorised; and all powers and discretions vested in the respective street authorities by the principal Act in respect of the licensing of cars and drivers and levying rates shall apply to the tramways hereby authorised, and the cars and drivers using or employed on the same; and, for the purposes aforesaid, all provisions of the principal Act shall apply to the tramways hereby authorised.

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

WM. F. DRUMMOND JERVOIS, Governor.