ANNO QUADRAGESIMO QUINTO ET QUADRAGESIMO
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VICTORIÆ REGINÆ

A.D. 1882.

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Private Act.

An Act to authorise the Adelaide and Hyde Park Tramway Company, Limited, to construct, maintain, and work Tramways for horse power, in and between certain parts of the City of Adelaide and the Townships of North Unley, Unley, Hyde Park, Unley Park, Hawthorne, and Westbourne Park, 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 for horse power, in and between certain parts of the City of Adelaide and the Townships of North Unley, Unley, Hyde Park, Unley Park, Hawthorne, and Westbourne Park, and other places adjacent thereto and in the neighborhood thereof, in such a manner as not to impede or injure ordinary traffic, would be of great local and public advantage: And whereas a Joint-Stock Company has been lately registered and incorporated under the "Companies Act, 1864," by the name of "The Adelaide and Hyde Park Tramway Company, Limited," with the objects, among others, of constructing, maintaining, and working such tramways as are hereinbefore referred to, and obtaining an Act of the Parliament of the Province of South Australia for empowering and better enabling the Company to carry out its objects: And whereas the said Company is willing, at its own expense, to construct, maintain, and work the said tramways in manner hereinbefore mentioned, but the authority of Parliament is requisite to enable the Company so to do,
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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 tramways — 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 be cited for all purposes as “The Adelaide and Hyde Park Tramways Act, 1882.”

2. Except so far as the same shall be inconsistent herewith, there shall be incorporated with this Act, the “Lands Clauses Consolidation Act”: Provided that nothing in this Act, or in the “Lands Clauses Consolidation Act,” shall be held to authorise or in any way empower the Company to compulsorily purchase or acquire any portion of park lands or any other public reserve.

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 Hyde Park Tramway Company, Limited”:

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

The expression “the deposited plans” shall mean the plans of the tramways and the book of reference thereto, which were deposited in the office of the Surveyor-General on the seventh day of June, one thousand eight hundred and eighty-two:

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

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, with all proper rails, plates, works, sidings, turn-outs, junctions, stations, approaches, and conveniences connected therewith: Provided that the powers of the Company for the compulsory purchase of lands for
for the purposes of this Act shall not be exercised after the end of eighteen months from the passing of this Act.

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

Tramway No. 1.—A single line of tramway, two miles one furlong and eight chains in length, commencing at the junction of Angas-street and King William-street, Adelaide, with two sidings therefrom, the first one chain and fifty links in length; the second three chains and forty links in length, and forming two junctions with the line of the Adelaide and Suburban Tramway Company, Limited, at a point on the said line on the southern side of Victoria-square, Adelaide, in Angas-street, and at a point on the said line at the south-western corner of Victoria-square, and thence passing along King William-street in a southerly direction to its junction with South-terrace; thence along Peacock Road in a southerly direction to its junction with King William Road, Unley; thence along King William Road aforesaid, West-street, North Unley, and Bayswater Road, Hyde Park, in a southerly direction to the junction of Bayswater Road with Jasper-street, Hyde Park; thence along Jasper-street in an easterly direction to its junction with Westhall-street, Hyde Park; thence along Westhall-street in a southerly direction to a point on the eastern boundary of allotment 29, in the Township of Hyde Park; thence in a south-westerly direction through allotments 29, 28, 27, 22, 23, and 24 in Hyde Park to a point on the southern side of allotment 24, Hyde Park, in Northgate-street; thence along Northgate-street in a westerly direction to its junction with a road to be constructed through the eastern side of section 224, Hundred of Adelaide.

Tramway No. 2.—A single line of tramway six furlongs five chains and two links in length, commencing at the termination of tramway No. 1; thence running along the said road so to be constructed so soon as the said road shall be constructed and dedicated to the public, along the said road to its junction with Napier-terrace, Unley Park; thence along the road running through the eastern side of section 2082, Hundred of Adelaide, to the Nairne railway line; thence across the said railway line, on the level thereof, using two rails only, and along Hilda-terrace, Westbourne Park, in a south-westerly direction to Sussex-terrace, Westbourne Park; thence along Sussex-terrace in a southerly direction to a point on the southern boundary of section 253, Hundred of Adelaide, in line with Sussex-street.

Tramway No. 3.—A single line of tramway, four chains in length, commencing at a point on the tramway No. 2, distant two miles six furlongs and seventy-five links from the Adelaide terminus; thence running in a south-easterly direction along the
6. The Company may work tramcars over, and along, and use the lines of the Adelaide and Suburban Tramway Company, Limited, laid down from Angas-street around the west side of Victoria-square into King William-street as far as the southern boundary of acre 237, with power to construct a turn-out and stand in King William-street: Provided that such stand and turn-out shall not extend beyond the northern boundary of the said acre 237, and from thence over and along the line of the Adelaide and Suburban Tramway Company, Limited, along the east side of Victoria-square to the junction of the lines hereby authorised to be constructed by the said Company, with the lines of the said Adelaide and Suburban Tramway Company, Limited, for the passage of all horses, cars, and other carriages for the carriage of passengers: Provided the Company shall pay to the Adelaide and Suburban Tramway Company, Limited, reasonable compensation for the use thereof, and shall work tramcars on and use the said lines at such times only as may be agreed upon between the companies. The two companies may enter into arrangements, contracts, and agreements for and in respect of any of the purposes aforesaid. In the event of any dispute arising as to the times at which the Company may use such lines, the Company shall use the same at such times as shall be fixed by the street authorities. In the event of any dispute arising as to the amount of compensation to be paid as aforesaid, the same shall be settled by arbitration in manner provided by "The Railways Clauses Consolidation Act," with respect to the settlement of disputes by arbitration: Provided also that neither Company shall in any case run, or neglect or delay to run, their carriages, cars, or horses over, or pull up or stop their cars upon the lines of the said Adelaide and Suburban Tramway Company, Limited, in such manner, or at such times or for such time, as to delay or hinder or impede the traffic or running of the cars of either of the said companies, or to obstruct or delay either of the said companies in the taking up or setting down of their passengers: And all rules, regulations, and by-laws of the said Adelaide and Suburban Tramway Company, Limited, with respect to impeding, interrupting, or delaying their use of their tramway lines, and every part thereof, and also the provisions of clause 31 of "The Adelaide and Suburban Tramway Act, 1876," shall apply and be of force as fully and effectually to the said "The Adelaide and Hyde Park Tramway Company, Limited," their agents, servants, and workmen, as if this Act had not been passed: And all similar valid rules, regulations, and by-laws of the Company, and also the provisions of clause 30 hereof, shall apply and be of force as fully and effectually to the said the Adelaide and Suburban Tramway Company, Limited, their agents, servants, and workmen, as though included in the meaning of the word "person," and as though the lines of the said the Adelaide Suburban Tramway Company, Limited, over which the Company have running powers under this clause were included within the meaning of the "tramway," or "the tramways," or the "tramway lines" of the company.

7. The
7. The centre line of every tramway, except where the line of such tramway shall be a curve, and except in the case of turn-outs, shown on the deposited plans, shall be as follows, that is to say—

In Adelaide—In King William-street such centre line shall run parallel with the centre line of the said street and on the eastern side of the said street, at a distance therefrom of eighteen feet. In Peacock Road such centre line shall run parallel with the centre line of the said road and on the eastern side of the said road, at a distance from the centre line of the said road of not less than ten feet six inches.

In North Unley and Unley—In King William Road such centre line shall run parallel with the centre line of the said road, and on the eastern side of the said road, at a distance of not less than ten feet six inches therefrom. In West-street such centre line shall run parallel with the centre line of the said road, at a distance of not less than ten feet six inches therefrom.

In Hyde Park—In Bayswater Road, in Jasper-street, in Westhall-street, and in Northgate-street, such centre line shall run parallel with the centre line of the said road and streets respectively, at a distance of not less than ten feet six inches therefrom.

In Unley Park and Hawthorne—In the roads running through the eastern side of sections 224 and 2082 such centre line shall run parallel with the centre line of the said roads, and on the eastern side of the centre line of the said street, and at a distance therefrom of not less than thirteen feet.

In Westbourne Park—In Hilda-terrace and Sussex-terrace such centre line shall run parallel with the centre line of the said terraces, at a distance of not more than ten feet six inches therefrom.

8. It shall not be lawful for the Company to alter the levels of any street without the consent of the street authority.

9. Every tramway line shall be constructed and maintained with two rails, to be laid at a distance of four feet eight and a 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 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 a quarter inches in width, and all such rails 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. Every tramway shall be constructed and maintained in such a manner
manner as not to cause any impediment or injury to the use by the public for the purpose of traffic of any street whereon the same shall be laid, and the public shall at all times be entitled to the free and uninterrupted use of every part of such street, save when any conveyance of the Company shall be passing over or be about to pass over any part thereof, or be standing thereon, and then the public shall not be entitled to the use of the part of such street over which such conveyance shall be passing or about to pass, or upon which such conveyance shall be standing: Provided that no such conveyance shall stand at any point in any street other than a terminus of the tramways, except for the purpose of taking up or setting down passengers, or for the purpose of passing at any turn-out or siding.

11. Nothing in this Act contained shall be construed to give the Company any right to the soil of any street in which they shall construct any tramway other than a right of use thereof for the purposes of this Act.

12. Subject to the provisions of this Act, the Company may from time to time open and break up any street for the purpose of making, forming, laying down, constructing, maintaining, or renewing the tramways.

13. Whenever the Company proceed to open or break up any street—

1. They shall give to the street authority thereof notice of their intention, specifying the time at which they will commence operations, and the portion of street proposed to be opened or broken up, such notice to be given seven days at least before the commencement of operations:

2. They shall not open or break up any street except under the superintendence and to the reasonable satisfaction of the street authority thereof, unless such authority refuses or neglects to give such superintendence at the time specified in the Company’s notice, or discontinues the same during the work:

3. They shall pay to the street authority all reasonable costs incurred on account of such superintendence.

14. If any person shall wilfully obstruct any person acting under the authority of the Company in the lawful exercise of his powers in setting out or making, forming, laying down, repairing, or renewing any tramway, or shall deface or destroy any mark made for the purposes of setting out the line of any tramway, or shall wilfully damage or destroy any property of the Company, he shall, for every such offence, forfeit to the Company a sum not exceeding Five Pounds.

15. The
15. The Company shall not, without the consent of the street authority thereof, open or break up at any one time and place a greater length than one hundred yards of any street, and they shall leave an interval of at least three hundred yards between any two places at which they shall open or break up any street at the same time.

16. As soon as the Company shall have opened or broken up any portion of any street—

1. They shall, with all convenient speed, and in all cases within three weeks at the most from the time of opening or breaking up the same (unless the street authority thereof shall enlarge such time), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, and renewal of the tramways) fill in the ground and make good the surface, and generally restore the portion of the street so opened or broken up to as good a condition as that in which it was before it was opened or broken up, and to the reasonable satisfaction of the street authority thereof, and clear away all surplus metal, material, or rubbish occasioned thereby, and remove the same to such spot in the municipality wherein any such street shall be situated, as the street authority of such street shall direct:

11. They shall in the meantime cause the place where the street is broken up to be properly lighted at night, for the protection of man and beast.

17. If the Company shall in any respect fail to comply with the provisions of the preceding section, they shall for every such offence (without prejudice to any other remedy against them) be liable to a penalty not exceeding Twenty Pounds, and to a further penalty not exceeding Five Pounds, for each day during which any such failure shall continue after the first day on which such penalty is incurred; and all such penalties shall go and belong to the street authority of the street in question.

18. Nothing in this Act contained shall take away any power for the time being vested in any street authority to open or break up any street, in which any tramway shall be laid, for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any sewer, gully, gutter, drain, watercourse, defence, or work, or altering the levels of any street: Provided that, in the event of the levels of any street being altered, the Company shall alter the levels of the tramways to correspond with such alteration: Provided also, that in the exercise of such power the street authority and Company shall be subject to the following provisions—

1. The street authority shall cause as little detriment or inconvenience to the Company as circumstances will admit:

11. Before
11. Before commencing any work whereby the traffic on the tramways may be interrupted, or whereby the safety of any person using the tramways may be endangered, the street authority shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will commence, and which shall not be earlier than forty-eight hours after the time of the giving of such notice:

11. If the street authority for the purpose of enabling them to execute the work shall so require, by any notice given as aforesaid, the Company shall either stop their traffic on that portion of the tramways where it would otherwise interfere with such work, or shore up and screen the same at their own risk and cost during the execution of the work, and the street authority shall thereupon complete the work with all reasonable expedition:

14. If it shall become necessary to remove the tramways from any part of any street to enable any such work to be effected, it shall be lawful for the Company to lay down the tramways so removed in some adjacent and convenient position, and, after such work shall have been effected, to replace the tramway in its original position, and the cost of such laying down and replacing shall be borne by the street authority of the street where the same is effected.

19. Nothing in this Act contained shall take away any power for the time being vested in any persons to open or break up any street on which any tramway shall be laid for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any pipes for the supply of gas, light, or water, or for drainage or any other purposes, or any tubes, wires, or apparatus for telegraphic, telephonic, or other purposes; but, in the exercise of such powers, such persons shall be subject to the following restrictions—

1. They shall cause as little damage or inconvenience to the Company as circumstances will admit:

11. Before commencing any work whereby the traffic on the tramway may be interrupted, or whereby the safety of any persons using the tramway may be endangered, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will commence, and which shall not be earlier than forty-eight hours after the time of the giving of such notice:

11. They shall not execute such work, so far as it immediately affects the tramways, except under the superintendence and to the reasonable satisfaction of the Company, unless the Company refuse or neglect to give such superintendence
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at the time specified in the notice for the commencement of the work, or discontinue the same during the work:

iv. If it shall become necessary to remove the tramway from any part of any street to enable any such work to be effected, it shall be lawful for the Company to lay down the tramway so removed in some adjacent and convenient position, and after such work shall have been effected, to replace the tramway in its original position, and the cost of such laying down and replacing shall be borne by such persons.

20. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the Company may from time to time, where and as far as it is necessary, alter the position of any mains or pipes for the supply of gas, light, or water, or any tubes, wires, or apparatus for telegraphic, telephonic, or other purposes, subject to the following restrictions, that is to say—

1. Before laying down or altering a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid (other than private service-pipes), the Company shall, whether they contemplate altering the position of any such mains or pipes, tubes, wires, or apparatus or not, give seven days' notice to the person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such person that the construction of the tramway as proposed would endanger any of such mains or pipes, tubes, wires, or apparatus or interfere with or impede the supply of water, light, or gas, or the telegraphic, telephonic, or other communication, such person may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus, in such manner as may be considered necessary. And all alterations to be made under this section shall be made with as little detriment and inconvenience to the person to whom such mains, pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such person or their or his surveyor or engineer, if they or he think fit to attend after receiving not less than twenty-eight hours' notice for that purpose, which notice the Company are hereby required to give:

11. The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such person, or do anything to impede the passage of water, light, or gas, or the telegraphic, telephonic, or other communication into
21. Where any of the tramways or any other work connected therewith interferes with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Corporation of the City of Adelaide, or the street authority or any other person, or with any sewers or works to be made or executed by the said Corporation, street authority, or other person, or in any way affects the sewerage or drainage of the district under their control, or under the control of any of them, the Company shall not commence any tramway or work until they shall have given to the street authority, Corporation, or other person, fourteen days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such street authority, Corporation, or other person, with all necessary particulars, nor until such street authority, Corporation, or person, shall have signified their approval of the same, unless they do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of such authority, Corporation, or person, in the execution of the said works, and shall provide new, altered, or substituted works in such manner as the said street authority, Corporation, or person shall reasonably require for the proper protection of, and for preventing injury or impediment to, the sewers and works hereinbefore referred to, or by reason of the tramways, and shall save harmless the street authority, Corporation, or person, against all and every expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the street authority, Corporation, or person, at the reasonable costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction,
direction, jurisdiction, and control of the street authority, Corporation, or person aforesaid, and be maintained by them, as the case may be, as any sewers or works now or hereafter may be.

22. The Company shall be answerable for all accidents, damages, and injuries happening through the default or act of the Company, or of any person in their employment, by reason or in consequence of any of the works of the Company, and shall indemnify all street authorities and persons from all damages and costs in respect of such accidents, damages, and injuries.

23. 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 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, the powers by this Act granted to the Company for constructing the tramways shall cease to be exercisable.

24. The Company shall at all times keep the tramways in good repair and working order, and after the end of the said three years, 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 from the Adelaide terminal station to the terminal station at Westbourne Park at least ten times each way, between the hours of seven o'clock in the morning and eleven o'clock in the evening of every day, except Sunday.

25. The Company shall at their own expense at all times maintain and keep in good condition and repair, with such materials and in such manner as the street authorities shall direct, and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway, and so much of the road as extends eighteen inches beyond the rails of and on each side of any tramway of the Company. If the Company abandon their undertaking, or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall, with all convenient speed, and in all cases within six weeks at the most (unless the said street authority otherwise consent in writing), fill in the ground and make good the surface, and to the satisfaction of the said street authority restore the portion of road upon which such tramway was laid, and clear away all surplus paving or metalling, material, or rubbish occasioned by such work; and they shall in the meantime cause the place where the street is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always that if the Company fail to comply with the provisions of this section, the street authority, if they think fit, may themselves, at any time after seven days’ notice to the Company, open and break up the road, and do, instead of the Company, the
the work necessary for the paving, repair, and maintenance of the road to the extent in this section above-mentioned, and the expense incurred by the said street authority in so doing shall be repaid them by the Company.

26. The cars of the Company shall be drawn by horse power; and no car shall travel along any street in the City of Adelaide or in any of the towns or townships through which the tramways shall pass at a greater speed than shall be allowed by law, or by the by-laws of the street authority of the street through which such car shall travel.

27. The Company may use on the tramways cars with flange wheels, or wheels especially or particularly adapted to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of the tramways.

28. If any person other than the Company (except by agreement with the Company) shall willfully use the rails of the tramways for the purpose of driving or propelling any conveyance thereon, such person shall forfeit and pay to the Company a sum not exceeding Twenty Pounds for every such conveyance using, and for every time that it uses, such rails.

29. The Company and any other person may, from time to time, make and enter into and carry into effect contracts, agreements, and arrangements for and with reference to the use by such other person of the tramways, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such use, and all incidental matters.

30. If any person, without lawful excuse, the proof whereof shall lie on him, shall willfully do any of the following things, namely—

1. Interfere with, remove, or alter any part of a tramway of the Company, or of the works connected therewith:

2. Place or throw any stones, dirt, wood, refuse, or other material on any part of any tramway:

3. Do, or cause to be done, anything so as to hinder or obstruct any car lawfully using the tramways, or to endanger the lives of persons thereon or therein:

4. Hinder or obstruct, or endeavor to hinder or obstruct, any person from getting in or out of any car lawfully using the tramways, either by shepherding such car or otherwise:

5. Or knowingly aid or assist in the doing of any such thing:

he shall for every such offence, in addition to any proceedings by way of indictment or otherwise to which he may be liable, forfeit to the Company a sum not exceeding Twenty Pounds.

31. The Company may demand and take for every passenger conveyed
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 passengers, 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 and take toll and charges as for three miles, and for every fraction of a mile beyond three miles or beyond any greater integral number of miles the Company may demand tolls and charges as for a mile.

32. Every passenger travelling upon the tramways may take with him his ordinary personal luggage without any charge being made for the carriage thereof, but so that the weight of such luggage shall not exceed twenty-eight pounds.

33. A list of all the tolls and charges authorised by this Act to be taken, and which shall be demanded by the Company, shall be exhibited in some conspicuous place in the inside of each of the cars used by the Company upon the tramways.

34. The tolls and charges authorised by this Act to be taken, and which shall be demanded by the Company, 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 Company shall by notice to be annexed to the list of tolls appoint.

35. If any person travelling, or having travelled, in or on any car of the Company shall avoid, or attempt to avoid, payment of his fare; or if any person having paid his fare for a certain distance shall proceed in or on any such car beyond such distance, and shall not pay his fare for the additional distance, or shall attempt to avoid payment thereof; or if any person refuse or neglect on arriving at the point to which he has paid his fare to quit such car, every such person shall for every such offence forfeit to the Company a sum not exceeding Forty Shillings.

36. It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize any person who shall be discovered to be committing any offence in the preceding section mentioned, and whose name and residence shall be unknown to such officer or servant, and to detain such person until he can be conveniently taken before a Justice of the Peace for the said province, or until he be otherwise discharged by due course of law.

37. The Company shall not be bound, unless they shall think fit, to carry any animals or goods other than passengers’ luggage, not exceeding the weight hereinafter mentioned.

38. No person shall carry on the tramways any aquafortis, oil of vitriol, gunpowder, or other goods which may be of a dangerous nature; and if any person shall carry such goods on the tramways he
he shall forfeit any sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for any authorised servant of the Company, or any constable or Justice of the Peace, to require any parcel that he may suspect to contain any such goods to be opened in order to ascertain the fact.

39. The restrictions in this Act contained as to the tolls and charges which the Company may demand and take for the conveyance of passengers shall not extend to any special car, but shall apply only to the ordinary cars appointed by the Company from time to time for the conveyance of passengers.

40. If, at any time after the tramways shall have been for one year opened for public traffic, it shall be represented in writing to the Governor by the street authority of any street in which the tramways are laid that, in the opinion of such street authority, the tramways, or some specified part thereof, are, or is, dangerous or inconvenient to the public, and ought to be removed or modified, the following provisions shall come into force—

i. The Governor may, by order under his hand, require the Company to remove or modify the tramways or the part thereof specified as aforesaid:

ii. If the Company, within one calendar month after the service of such order, shall give notice in writing under their common seal to the Governor, that they desire that the question as to the necessity or expediency of the removal or modification ordered shall be referred to the decision of an arbitrator to be appointed by the Governor, the question shall be referred accordingly; and upon the application either of the Company or of the street authority, the Governor shall appoint some impartial person as arbitrator, and the award of the arbitrator with reference to the question referred to him shall be final and conclusive as against all parties, and the arbitrator by his award may, if he think fit, direct the removal or modification of the tramways:

iii. Within six calendar months after service upon the Company of the order of the Governor directing the removal or modification of the tramways, or if the Company shall have given notice as aforesaid of their desire that the question as to the necessity or expediency of such removal or modification should be referred, then, within six calendar months after the publication of the award of any arbitrator appointed by the Governor directing the removal or modification of the tramways, or within such earlier time if any as may be limited by such order or award, the Company shall remove or modify the tramways pursuant to the directions contained in such order or award, and shall make good the street in which the tramways removed or modified were or are situate to the reasonable satisfaction of the street authority thereof: Provided that if any modification
modification which the Company may be required to make in the tramways by any such order or award shall be beyond their then existing powers, the Company shall, as soon as conveniently may be, apply to Parliament for the necessary powers to make such modification, and the provisions contained in the next following sub-section shall not have effect until the expiration of three calendar months after the Bill to be introduced into Parliament by the Company in compliance with this provision shall have become law, unless such Bill shall be rejected by Parliament or withdrawn:

iv. If the Company fail to remove or modify the tramways in accordance with such order or award, as the case may be, or to make good the street in manner aforesaid, the removal, modification, or making good may be effected by the street authority of the street in which such tramways are situate, and the amount of the cost thereof, certified by the clerk or secretary for the time being of such street authority (whose certificate shall be final and conclusive with reference thereto) shall, on demand, be repaid by the Company to the street authority:

v. If the Company fail to pay the amount so certified within one calendar month after delivery to them of the certificate, or a copy of the certificate, of the clerk or secretary of the street authority, the street authority (without prejudice to any other remedy which they may have for the recovery of the amount) may sell and dispose of any materials of the tramways removed or modified which may remain in their hands, either by public auction or private sale, for such price as the street authority shall think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the costs certified as aforesaid, and all charges and expenses of and incidental to such sale, and the balance (if any) of the proceeds of such sale shall be paid by the street authority to the Company.

41. If, at any time after the opening of the tramways for traffic, the Company shall discontinue the working thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), it shall be lawful for the street authority of any street to remove the tramways situate in such street, the working whereof shall be so discontinued as aforesaid, and the amount of the cost of such removal and making good, certified by the clerk or secretary for the time being of such street authority (whose certificate shall be final and conclusive with reference thereto), shall, on demand, be repaid by the Company to the street authority; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the street authority (without prejudice to any other remedy which they may have for the recovery of the amount),
amount), may sell and dispose of the materials of the tramways so removed, and apply the proceeds of such sale in manner provided by the last preceding section.

42. If, at any time hereafter, it shall appear to any street authority that the Company are insolvent, so that they are unable to carry out the undertaking with advantage to the public, and the street authority shall make a representation to that effect to the Governor, the Governor may direct an inquiry into the truth of the representation, and if the referee shall find that the Company are so insolvent, the Governor may, by order under his hand, declare that the powers of the Company under this Act shall cease and determine on the expiration of six months from the date of such order, and (unless Parliament shall in the meantime otherwise declare) such powers shall cease and determine accordingly; and it shall be lawful for the street authority of any street, at any time after the expiration of the said six months, to remove the tramways situate in such street, and to restore the street to its original state and condition, and to sell and dispose of the materials of the tramways in manner herein-before mentioned, and out of the proceeds of such sale to pay and reimburse themselves the amount of the costs (to be certified by the clerk or secretary of the street authority, whose certificate shall be final and conclusive) of the removal of the tramways, and restoration of the street, and of and incidental to the sale, and the balance, if any, of the proceeds of the sale, shall be paid over by the street authority to the Company.

43. Every inquiry which by this Act the Governor is empowered to direct shall be made in accordance with the following provisions—

1. The inquiry shall be held before an officer (hereinafter called the referee) to be appointed in that behalf by the Governor, and the appointment of the referee shall be in writing, which shall specify all the matters referred to him:

2. Ten days' written notice at the least of the time and place at which the inquiry is to be commenced, shall be given by the referee to the Company, and to the street authority upon whose representation the Governor shall have directed the inquiry:

3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time, as may be necessary, to such time and place as he may think fit:

4. The referee, either on the application of the Company or of the street authority aforesaid, shall by summons require the attendance before himself, at a place and time to be mentioned in such summons, of any person to be examined as a witness before him; and every person summoned shall attend the referee in obedience to such summons, and answer all questions touching the matter to be inquired into:

5. The
v. The referee shall administer an oath to any person summoned or tendered as a witness on the inquiry:

vi. The referee shall make his report to the Governor in writing, and shall, upon request, deliver copies of his report to all or any of the parties to the inquiry:

vii. The referee shall have power to direct by and to whom the costs, or any part of the costs, of the inquiry shall be paid, and he shall also fix the amount thereof:

viii. The referee shall for all purposes be deemed to be an arbitrator, and his appointment shall be deemed to be a submission to arbitration between the parties to the inquiry in respect of the matters thereby referred to him, and his report shall be deemed to be, and shall have the effect of and be dealt with as, an award made upon such submission, and every such submission on the application of any party interested in the inquiry may be made a rule of the Supreme Court.

44. It shall be lawful for the Company from time to time to make by-laws for preventing the commission of any nuisance in or upon any car, or on any of the premises of the Company, and for regulating the travelling upon or using and working of the tramways, and the conduct of the officers and servants of the Company, and generally for providing for the management of the affairs of the Company; and it shall also be lawful for the Company from time to time to repeal or alter any such by-law: Provided that such by-laws be not repugnant to law.

45. Any person offending against any by-law of the Company shall forfeit for every such offence any sum not exceeding Five Pounds to be imposed by the Company in such by-laws as a penalty for any such offence; and if the infraction or non-observance of such by-laws be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the tramways, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the penalty incurred by the offender.

46. A copy of all by-laws made by the Company shall be sealed with the seal of the Company, and submitted for approval to the Governor, who, on being satisfied that the same are framed in conformity with law, and are reasonable and proper, may confirm the same by writing under his hand; and no by-laws made by the Company shall have any force or effect until the expiration of fourteen days after a copy of such by-laws and of the confirmation thereof by the Governor shall have been published in the Government Gazette.

47. It shall be lawful for the Governor at any time to notify to the Company his disallowance of any by-laws then in force, and the Governor may disallow by-laws.
48. The production of a copy of the Government Gazette, containing a notice purporting to contain a copy of any by-laws of the Company, and of the confirmation thereof by the Governor, or a notice of the disallowance by the Governor of any by-laws of the Company, shall in all cases and for all purposes be deemed to be conclusive evidence that such by-laws have been duly made and confirmed or disallowed in manner therein appearing.

49. Every notice by this Act required to be given by or to the Company shall be in writing or print, or partly in writing or partly in print, and shall be signed by the Company, street authority, or persons giving the same, or by their secretary or clerk; and such notice shall be deemed to have been duly given if left at the principal office of the Company, street authority, or persons to whom the same shall be intended to be given, or if posted in a registered letter, prepaid, addressed to such Company, street authority, or persons, or their secretary or clerk, at their principal office: Provided that if such notice shall be posted as aforesaid, the same shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such principal office in the ordinary course of post.

50. Every secretary, accountant, or officer, clerk, or servant of the Company, notwithstanding he may be a shareholder and have a joint interest in the property of the Company, shall be liable to be proceeded against criminally for any offence committed by him in respect of the property of the Company in like manner and in all respects as if he were not a shareholder and had no such interest.

51. Every proceeding under this Act for any omission, default, offence, or act to which any penalty is attached, where no other mode of proceeding is by this Act provided, may be had and taken before and be heard and determined in a summary way by any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "An Ordinance to facilitate the Performance of the Duties of Justices of the Peace out of Session with respect to Summary Convictions and Orders," or of any Act now in force or hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders made by such Magistrates or Justices may be enforced as in the said Ordinance or in any other Act as aforesaid is or shall be provided.

52. In
52. In every case of the adjudication of a fine or pecuniary penalty under this Act, and of the non-payment thereof, any Justice of the Peace may commit the offender or person making default in payment to any gaol in the said province for any time not exceeding three calendar months; the imprisonment to cease on payment of the sum due, and the cost of such proceeding as may have been taken for the recovery thereof: but this section shall not affect any remedy under the said Ordinance, No. 6 of 1850.

53. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every conviction by any Special Magistrate or Justices for any offence against this Act, and from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

54. In each year after the year one thousand eight hundred and eighty-three the Company shall pay to the Corporation of the City of Adelaide rates calculated on the sum of Two Hundred Pounds per mile, and shall pay to any other Corporations and District Councils within whose limits any tramway lines shall be laid, or their successors, rates calculated on the sum of One Hundred Pounds per mile, as the annual value of every mile in length of the tramways along any of the streets, subject to the control of the said Corporations or District Council, or the successors of such District Council respectively, in the same manner as rates declared and levied upon ratable property by virtue of "The Municipal Corporations Act, 1880," or "The District Councils Act, 1876," or of any Act amending the same respectively, and such rates shall form portion of the general revenue of such Corporation or District Council, or the successors of such District Council respectively: Provided that, save as in this section provided, neither the tramways nor any works connected therewith, nor the cars, horses, engines, rolling-stock, or other things used in working the tramways, shall be liable to the payment of any Municipal, District, or other local rates or taxes whatever.

55. The Corporation of the City of Adelaide shall have the like power of making and enforcing rules and regulations, and of granting licences with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant, with respect to the hackney carriages and the drivers and other person having the charge thereof, and to the standings for the same in the streets of, or under the control of, the Corporation.

56. Nothing
56. Nothing in this Act shall limit or affect the power of any street authority to regulate the passage of any traffic along or across any street in which the trams shall be constructed, and such street authority may exercise any such power as well on as off the trams, and with respect as well to the traffic of the Company as to the traffic of other persons.

57. The Company, prior to engaging any treasurer, collector, receiver, or other officer to be entrusted with the collection or custody of any moneys in connection with or for the use of the trams hereby authorised, shall receive from such officer a bond, with sufficient sureties, conditioned in such an amount as the Directors of the Company may deem sufficient, as security for the faithful execution of his office.

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

59. The said Company shall cause to be kept full and accurate accounts of all moneys received and expended under the provisions of this Act, and shall cause such accounts to be balanced once at least in every year.

60. 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 members of the Company, for the purpose of being duly audited, 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.

61. The remuneration of such auditor or auditors for his or their charge or charges in making such audit, and his or their expense or expenses in connection therewith, shall be fixed by the members of the Company at the time of his or their appointment, and shall be payable out of the funds of the Company.

62. The Company shall also, once in every year at the least, cause to be prepared an account in abstract of the total amount received and realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of the total amount of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the Company for the past year, under the several and distinct heads of receipts and expenditure, together with a statement of the balance of the account, duly audited, which statement shall be signed and certified by such auditor or auditors and by the Chairman of the Directors
Directors of the Company; and the Company shall cause to be transmitted one copy of such annual account, free of charge, to the Auditor-General of the said province, on or before the thirty-first day of January in every year.

63. 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, to be recovered summarily.

64. 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.

65. The Company shall not have power to raise by loan or mortgage any sum or sums of money 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 of money 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 members thereof.

66. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of Three Hundred and Twenty-five 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 Three Hundred and Twenty-five 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 of the Company as fixed by the memorandum of association thereof, and have expended for the purposes 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 proofs 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 hereafter specified, 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 Three Hundred and Twenty-five Pounds shall be complied with, such sum shall thereupon be repaid by the Treasurer to the said Company.

67. The said sum of money deposited as aforesaid shall be applicable,
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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 proportions 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 be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

68. If the tramways authorised by this Act shall not be completed within the period limited by this Act, then, on the expiration of such period, all the powers by this Act granted to the Company for making and completing the said tramways, or otherwise in relation thereto, shall cease to be exercised: Provided always that it shall be lawful for the Company to make tramway line No. 1 only if they shall so think fit.

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

70. 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 as follows, that is to say: Two arbitrators shall be appointed by the Government, and two arbitrators by the Company, and all matters relating to such purchase shall be submitted to the decision of such arbitrators, and in all other respects such arbitration shall be conducted in accordance with and under and subject to the
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"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 Company one month's notice in writing to that effect, and thereupon the Company shall be at liberty to carry on and work the said tramway: And provided also, that the Government shall pay all costs of the reference and award, and all costs and charges incidental thereto.

71. Nothing herein contained shall be deemed or construed to exempt the tramway 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.

72. 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, or may be supposed to, 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.

73. Nothing in this Act contained shall affect any right, title, or interest of Her Majesty, Her heirs or successors.

74. This Act shall be deemed or taken to be a Public Act, and shall be judicially noticed as such within the province without being specially pleaded.

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

WM. F. DRUMMOND JERVOIS, Governor.