ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883.

Private Act.

An Act to authorise "The Parkside Tramway Company, Limited," to construct, maintain, and work Tramways by horse traction in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, Parkside South, and Glen Osmond, and for other purposes.

[Assented to, October 24th, 1883.]

WHEREAS the construction, maintenance, and working of tramways in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, and Parkside South has been of great local and public advantage: And whereas the extension of such tramways in such manner as not to impede or injure ordinary traffic in and between certain parts of the City of Adelaide and the Townships of Parkside, Fullarton, Parkside South, and Glen Osmond 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 Parkside 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 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
1. This Act may for all purposes be cited as the “Adelaide and Parkside Tramway Extension Act, 1883.”


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 Company” shall mean “The Parkside 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 as well the plans of the tramways and the book of reference thereto, which were deposited in the office of the Surveyor-General on the fourth day of June, one thousand eight hundred and eighty-three, as the amended plan which was on the first day of September, one thousand eight hundred and eighty-three, deposited at the said office:

   The expression “the 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 Parkside South Tramway Act, 1881.”

4. The said plans deposited on the fourth day of June, one thousand eight hundred and eighty-three, shall have effect as amended, altered, or varied by the said plan deposited on the first day of September, one thousand eight hundred and eighty-three.

5. 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.

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

   A single line of tramway (No. 1), one mile and three chains in length, commencing at a point on the present tramway line of
of the Company in Pirie-street one chain and twenty links west of the western side of Pulteney-street; thence passing along Pulteney-street to Flinders-street; thence along Flinders-street to Hutt-street; thence along Hutt-street and the road in continuation of Hutt-street to a point on the road in continuation of Hutt-street, distant three chains south of the southern boundary of South-terrace.

A single line of tramway (No. 2), one mile four furlongs and eight chains in length, commencing at a point on the Glen Osmond-road, distant along such road one chain and fifty links south-east from the eastern side of the Mitcham and Fullarton-road, and running thence along the Glen Osmond-road, to a point on the Glen Osmond-road, in the Township of Glen Osmond, opposite the junction of the western side of a road from Kensington with the north-east side of the Glen Osmond-road.

7. The Company shall take up and remove the turnouts at present existing on its tramway line in Hutt-street, Adelaide, authorised by the principal Act, as shown in the deposited plans; and may take up and remove all the rails, plates, sleepers, guards, and other materials connected with the turnouts aforesaid, and may do and perform all acts and things necessary for such purposes: Provided that the Company shall thereupon fill in the ground and make good the surface, and generally restore the portion of the street taken up for the purposes aforesaid, and remove all surplus rubbish occasioned thereby.

8. The centre line of every tramway, except where the line of such tramway shall be a curve, and except in the case of the turnouts shown on the deposited plans, shall be as follows:—In Pulteney-street, and Flinders-street, such centre line shall be the centre line of the street. In Hutt-street and the road in continuation of Hutt-street such centre line shall run parallel with and on the western side of the centre line of the street or road, at a distance of not less than sixteen feet six inches therefrom; and between the termini of tramway No. 2, on the Glen Osmond-road, such centre line shall run parallel with and on the north-eastern side of the centre line of the road, at a distance of not less than ten feet six inches therefrom.

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

10. Every tramway line shall be constructed and maintained to
to the satisfaction of the street authorities, 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 inch and a quarter in width; and all such rails shall be guarded on the outer edge with wood or stone.

11. The Company shall use on the tramways, cars with flange wheels, or wheels specially or particularly adapted to run on a grooved rail.

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

13. 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 as aforesaid, the Company shall provide cars in sufficient numbers to travel along the tramways hereby authorised between the respective termini thereof at least eight times each way between the hours of seven in the morning and eleven in the evening of every day except Sunday.

14. The Company 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 Company may demand and take 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.

15. 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 as the annual value of every mile in length of the tramways hereby authorised along any street in the City of Adelaide, in the same manner as rates declared and levied upon ratable property, by virtue of "The Municipal Corporations Act, 1880," or of any Act amending the same, and such rates shall form portion of the general revenue of such Corporation: Provided that, save as in this section provided, neither the tramways nor any works connected therewith, nor the cars, horses, 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.

16. The Company, prior to engaging any treasurer, collector, receiver,
receiver, or other officer 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 officer a bond, with sufficient sureties, conditioned in such an amount as the directors of the Company made deem sufficient as security for the faithful execution of his office.

17. 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 tramways hereby authorised, shall be debts due by such members respectively, and recoverable by action accordingly.

18. The 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.

19. 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, 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.

20. The remuneration of such auditor or auditors 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.

21. The Company shall also, once in every year at the least, cause to be prepared an account in abstract of 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 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 of the Company; and the Company shall cause to be transmitted one copy of such account, free of charge, to the Commissioners of Audit of the said province, on or before the thirty-first day of January in every year.

22. In the event of the Company not forwarding such account at the time hereinafter 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 Commissioners of Audit.

23. The said account shall, after due inspection by the Commissioners of Audit, be filed by them in their office, and shall be open to the public.
24. Upon the expiration of two years from the passing of this Act the payment of any dividend on the ordinary and unguaranteed capital of the Company shall be suspended until the lines of tramway hereby authorised shall be completed and open for public traffic.

25. 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.

26. Whereas, pursuant to the Standing Orders of the Legislative Council of this province, a sum of Four Hundred and Fifty Pounds, being one-twentieth of the amount of the estimate in respect of the tramways authorised by this Act, has been deposited in the Treasury of the said province—Be it Enacted that the said sum of Four Hundred and Fifty 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 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 proof as aforesaid to the satisfaction of the Commissioner of Public Works, the said sum of money deposited as aforesaid shall be applied in the manner hereinafter specified, and the certificate of the said Commissioner shall be sufficient evidence of the fact so certified: Provided that if the aforesaid conditions for repayment of the said sum of Four Hundred and Fifty Pounds shall be complied with, such sum shall thereupon be repaid by the Treasurer to the Company.

27. 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
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.

28. 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, 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.

29. 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.

30. The Company shall not, out of the capital raised for the purposes of the principal Act, pay the deposit money referred to in the 26th section hereof.

31. At any time after the expiration of fourteen years from the time of the passing of the principal 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 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
Company 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.

32. 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.

33. 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.

34. 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 manner relating to the tramways and undertaking thereby authorised, shall be vested in and affect in a similar manner the Company and all other persons in reference to the tramways and undertaking hereby authorised; and all fines, penalties, and forfeitures for any offence against the provisions of the principal Act shall be payable and recoverable in respect of similar acts and offences in reference to the tramways and undertaking hereby authorised; and all provisions contained in the principal Act as to evidence and procedure shall apply to similar matters in reference to the tramways and undertaking hereby authorised; and for the purposes aforesaid all words contained in the principal Act referring to the tramways and undertaking hereby 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 the 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.

WILLIAM C. F. ROBINSON, Governor.