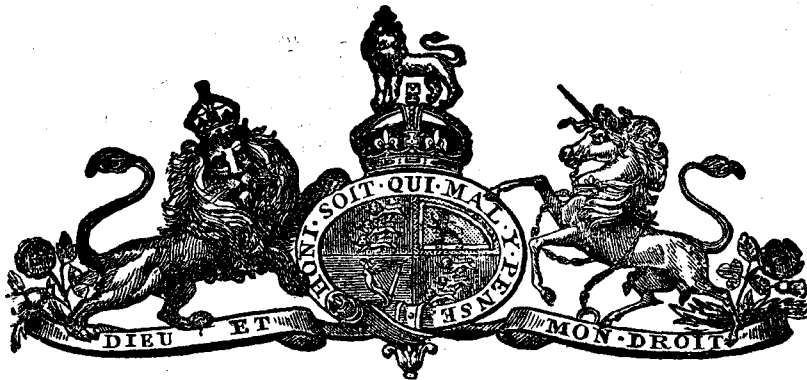


TASMANIA



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 30.



AN ACT to authorise the Construction, Maintenance, and Working of Electric Tramways in the City of *Launceston* and the Suburbs thereof. [26 November, 1906]

A.D.
1906.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited for all purposes as "The *Launceston* Tramway Act, 1906." Short title.

2 In this Act, unless the context otherwise determines—
"Corporation" means the Corporation of the Mayor, Aldermen, and Citizens of the City of *Launceston*:
"Council" means the Municipal Council of the City of *Launceston*:
"Local authority" means the Municipal Authority, Town Board, Road Trust, or 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 the same shall not be used in respect of any particular street, it shall

Interpretation
Clause.
"Corporation."
"Council."
"Local
authority."

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" Person."

" Street."

mean any Municipal Authority, Town Board, Road Trust, or persons having the control or management of any street :

" Person " includes persons or any corporation or company or local authority :

" Street " means any street, road, bridge, wharf, pier, place, or route along which a tramway is laid or authorised to be laid.

Corporation may authorise company, &c., to construct, &c., trams.

3 Subject to the provisions of this Act, the Corporation may from time to time enter into any agreement or agreements with and thereby authorise any company, person, or persons to construct, maintain, and work electrical tramways, upon such terms and subject to such conditions and stipulations, as the Council think fit, upon, through, and along the streets, roads, bridges, wharves, piers, places, and routes mentioned in the schedule of routes hereto or any of them, and also upon, through, and along any other streets, roads, bridges, wharves, piers, places, and routes in, about, or in proximity to the City of *Launceston* and the suburbs thereof.

Promoters.

4 Every such company or person or persons from time to time constructing, maintaining, or working any tramway authorised by this Act is hereinafter included in the expression " the Promoters," and the agreement by which the Promoters are authorised to construct, maintain, or work such tramway as aforesaid is hereinafter referred to as " their agreement;" and every such company, or person or persons, upon entering into such agreement as is referred to in the last preceding Section, shall have all the powers conferred upon the Promoters by this Act.

Incorporation of 21 Vict. No. 11.

5 Except so far as the same shall be inconsistent herewith, *The Lands Clauses Act* is and shall be incorporated in this Act, and for the purposes of such incorporation the Promoters shall be deemed to be the Promoters of the undertaking.

Power to take land.

6 For the purposes of this Act the Promoters may enter upon, purchase, take, and use such lands as they may require.

Power to do works.

7 Subject to their agreement, the Promoters may construct, set up, erect, and maintain all proper rails, plates, sidings, turnouts, tunnels, turntables, crossings, junctions, posts, poles, pillars, cables, wires, and cords, buildings, erections, and other works and conveniences connected with or necessary for tramway purposes, and may work and use the same, and may from time to time make, maintain, alter, renew, and remove, and if desirable replace, all such rails, plates, sidings, turnouts, tunnels, turntables, crossings, junctions, posts, poles, pillars, cables, wires, and cords, buildings, erections, and other works, as they may find necessary or convenient for the efficient working of the said tramways, or for providing

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access to any sheds, business premises, or works connected with the same. A.D. 1906

8 Subject to their agreement, the Promoters may construct, maintain, and work, in accordance with the provisions of this Act, any lines of tramway from and forming a junction with any lines hereby authorised along or across any street or footpath for the purpose only of entering, leaving, or using any sheds or other business premises which the Promoters may from time to time use in connection with their business. Company may make tramways for purpose of entering stables or sheds.

9 Subject to their agreement, it shall be lawful for the Promoters to cross or connect with any other tramways or any railways of or belonging to the State or any other persons for the necessary purpose of the formation of the tramways of the Promoters: Provided that nothing in this Act shall give the Corporation or Promoters power to unnecessarily interfere with the *Tasmanian* lines of railway, or prevent those lines from crossing their tramways wherever the Minister for Railways may at any time deem necessary. Wherever this Act and "The Railway Management Act" differ "The Railway Management Act" shall prevail. Right to cross other tramways or railways.

10 Every tramway shall be constructed and maintained in such position on the streets, with regard to alignment, as the Council may decide. Regulations as to constructing tramways.

11 The tramways shall consist of double or single lines, as may be stipulated in their agreement, and it shall be lawful, with the consent of the local authority to lay down for a length not exceeding Five hundred feet an additional line, connected with the main line or lines, for the purposes of a siding. Regulations as to lines.

12 The tramways shall be constructed and maintained in the manner following; that is to say:— Regulations as to rails.

- i. The rails shall be laid at a gauge of not less than Three feet Six inches :
- ii. The uppermost surface of each rail shall be at such level as shall be prescribed by the Council :
- iii. The rails shall be of steel, of the weight of not less than Eighty-three pounds to the yard :
- iv. The groove in or between any rail or rails shall not exceed One and One-quarter inch in width :
- v. The outer side of every rail shall be guarded to the satisfaction of the local authority.

13—(1.) The tramways shall be so constructed, maintained, and worked as not to impede or obstruct the ordinary traffic of the street. Tramways not to impede traffic.

(2.) No conveyance of the Promoters shall stand at any point in the street other than a terminus of the tramway or other

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stopping-place approved of by the local authority, except for the purpose of taking up or setting down passengers.

(3.) The public shall at all times be entitled to the free and uninterrupted use of every part of the street, save when any conveyance of the Promoters is passing, or about to pass, along it, or is lawfully standing thereon.

Power to break
up streets, &c.

14 The Promoters may from time to time, for the purpose of constructing, maintaining, or working any tramway, open and break up any street, subject to the following Regulations:—

- I. They shall, in the execution of work that is altogether new, give to the local authority notice of their intention, specifying the time at which they will begin to do so, 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 the work:
- II. They shall not open or break up any street for such new work except under the superintendence of and to the satisfaction of the local authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work:
- III. They shall pay all reasonable expenses to which the local authority is put on account of such superintendence:
- IV. They shall not alter the level of any street without the previous consent of the local authority or some duly authorised officer thereof, and they shall be responsible for any and all damages and claims from their negligence in regard thereto which may arise in consequence of any such alteration:
- V. Whenever the local authority shall decide to alter any level of any street, the Promoters shall, at their own cost, raise or lower the rails and so much of the street maintained by the Promoters as shall be necessary to suit such altered level:
- VI. They shall not, without the consent of the local authority or some duly authorised officer thereof, open or break up at any one time a greater length than Two hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length, the Promoters shall leave an interval of at least One-eighth of a mile between any Two places at which they may open or break up the street, and they shall not open or break up at any such place a greater length than Two hundred yards; and in all cases sufficient room shall be left for the passage of vehicles during the construction of the works; the street-crossings to be done half at a time:

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VII. Where the carriage-way over any bridge forms part of or is a street within the jurisdiction of the local authority, but such bridge is vested in some persons distinct from such local authority, any work which the Promoters may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Promoters) and to the satisfaction of such persons, unless, after notice to be given by the Promoters Three days at least before the commencement of such work, such superintendence is refused or withheld: A.D. 1906.

VIII. Where the carriage-way in or upon which any tramway is proposed to be formed or laid down is crossed by any then existing railway or tramway on the level any work which the Promoters may be empowered to construct, and which affects or in anywise interferes with such railway or tramway or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Promoters) and to the satisfaction of the persons owning such railway or tramway, unless, after notice to be given by the Promoters Three days at least before the commencement of such work, such superintendence is refused or withheld.

In all cases the Promoters shall be responsible for the sound, safe, and proper mode of carrying out the works which by this Act they are empowered to perform.

15 When the Promoters have opened or broken up any portions of any street they shall be under the following further obligations; namely:—

- i. They shall with all convenient speed, and in all cases within Ten weeks at the most (unless the local authority or some duly authorised officer thereof otherwise consent), complete the work on account of which they opened or broke up the same, and, subject to the formation, maintenance, or working of the tramway, fill in the ground, and make good the surface, and to the satisfaction of the local authority restore the portion of the street to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:
- ii. They shall in the meantime cause the place where the street is opened or broken up to be fenced, and to be properly lighted at night where this is necessary for the public safety:
- iii. They shall bear or pay all reasonable expenses of the repair of the street for Three months after the same is

Completion of works and reinstatement of streets.

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restored as far as those expenses are increased by the opening or breaking up :

- iv. They shall in no case, unless the local authority or some duly authorised officer thereof otherwise consent in writing, keep any street wholly closed and unavailable for traffic.

If the Promoters fail to comply in any respect with the provisions of the present Section they shall for every such offence, without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy, be liable to a penalty not exceeding Five Pounds, and to a further penalty not exceeding One Pound for each day during which any such failure continues after the First day on which such penalty is incurred. Such penalties to be paid to and be recoverable by the local authority.

Repair of part of street where tramway is laid.

16 The Promoters 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 local authority shall direct and to their satisfaction, so much of any street whereon any tramway belonging to them 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 the Tramway. The material of every street opened or broken up by the Promoters may be used by them in reconstructing the street so far as the same shall be applicable to that purpose, under their agreement, and all such material not so used and not required by the local authority shall be removed and retained by the Promoters. If the Promoters abandon their undertaking or any part of the same, and take up any tramways belonging to them, they shall with all convenient speed, and in all cases within Ten weeks at the most (unless the local authority or some duly authorised officer thereof otherwise consent in writing), fill in the ground and make good the surface, and to the satisfaction of the local authority restore the portion of the street upon which such tramway was laid to as good a condition as that in which the adjacent portion of the street shall then be, 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 to be properly lighted at night in all cases where required for public safety: Provided always, that if the Promoters shall fail to comply with the provisions of this Section the local authority, if they think fit, may themselves, at any time after Seven days' notice to the Promoters, open and break up the street and do the works necessary for the repair and maintenance or restoration of the street to the extent in this Section above mentioned, and the expense incurred by the local authority in so doing shall be repaid to them by the Promoters.

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17 For the purpose of constructing, maintaining, or working any tramways the Promoters may from time to time, when and so far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any posts, mains, pipes, cables, or wires for the supply of gas, water, or electricity, or any post, tube, wire, or apparatus for telegraphic, telephonic, or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; that is to say:—

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Provision as to
gas and water.

- i. Before laying down a tramway in a street in which any posts, mains, pipes, cables, or wires, posts, tubes, wires, or apparatus may be laid the Promoters shall, whether they contemplate altering the positions of any such posts, mains, pipes, cables, or wires, posts, tubes, wires, or apparatus, or not, give Three days' notice to the persons to whom such posts, mains, pipes, cables, or wires, posts, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down the tramway, and shall at the same time deliver a specification of the proposed work. If it should appear to such persons that the construction of the tramway as proposed would endanger any such posts, mains, pipes, cables, or wires, posts, tubes, wires, or apparatus, or interfere with or impede the supply of water, light, gas, or electricity, or the telegraphic, telephonic, or other communication, such persons may give notice to the Promoters to alter the position of the said posts, mains, pipes, cables, or wires, posts, tubes, wires, or apparatus, in such manner as may be considered necessary, and any difference as to the necessity of any such alteration shall be settled in manner provided by Section Twenty of this Act for the settlement of differences between the Promoters and other persons; and all alterations to be made under this Section shall be made with as little detriment and inconvenience to the persons to whom such posts, mains, pipes, cables, or wires, posts, tubes, wires or apparatus may belong or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such persons, or of their surveyor or engineer, if they or he think fit to attend after receiving not less than Forty-eight hours' notice for that purpose, which notice the Promoters are hereby required to give:
- ii. The Promoters shall not remove or displace any of the posts, mains, pipes, cables, wires, valves, syphons, plugs, switches, converters, posts, tubes, wires, or apparatus or other works belonging to or controlled by such persons, or do anything to impede the passage

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of water, light, gas, electricity, or the telegraphic, telephonic or other communication into or through such mains, pipes, cables, wires, or apparatus, without the consent of such persons, or in any other manner than such persons shall approve, until good and sufficient posts, mains, pipes, cables, wires, valves, syphons, plugs, switches, converters, posts, tubes, wires, and other apparatus and works necessary or proper for continuing the supply of water, light, gas, or electricity or telegraphic, telephonic, or other communication as sufficiently as the same was supplied by the posts, mains, pipes, cables, wires, posts, tubes, wires, or apparatus proposed to be removed or displaced shall, at the expense of the Promoters, have been first made, set up, and laid down in lieu thereof, and be ready for use, and to the satisfaction of such persons or their surveyor or engineer, or in case of disagreement between such persons or their surveyor or engineer and the Promoters, as an engineer appointed by the Governor in Council shall direct:

- iii. The Promoters shall not lay down any such pipes contrary to the Regulations of any Act of Parliament:
- iv. The Promoters shall make good all damage done by them to property belonging to or controlled by such persons, and shall make full compensation to all parties for any actual loss or damage which they may sustain by reason of any interference with such property, or with the private service-pipes or wires of any person supplied by such persons with water, gas, or electricity:
- v. If by any such operation as aforesaid the Promoters interrupt the supply of water, gas, or electricity in or through any main or main-pipe, cable, or wire, they shall be liable to a penalty not exceeding Ten Pounds for every day upon which such supply shall be so interrupted.

Protection of
sewers.

18 Where in any district any tramway or any work connected therewith interferes with any sewer, drain, watercourse, sub-way, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the Promoters shall not commence the tramway or work until they shall have given to the proper authority Three days' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such authority, with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within Three days after service of the said notice and particulars as aforesaid; and the Promoters shall comply with and conform to all reasonable directions and

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regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, by, or by reason of the said tramway, and shall save harmless the said authority against all and every the expense to be occasioned thereby, and all such works shall be done under the direction, superintendence, and control of the engineer or other officer of the said authority at the reasonable costs, charges, and expenses in all respects of the Promoters; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Promoters under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority, and be maintained by it, as any sewers or works now or hereafter may be.

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19 Nothing in this Act contained shall take away any power for the time being vested in any person to alter the level of any streets, to repair any street, or to open or break up any street for any necessary purpose of setting up, laying down, repairing, altering, removing, replacing, examining, or inspecting any posts, mains, pipes, cables, or wires for the supply of gas, water, or electricity, or for sewerage or drainage or any other posts, tubes, wires, or apparatus for telegraphic, telephonic, or other purposes; but in exercise of such powers such persons shall be subject to the following restrictions; that is to say:—

Preservation of
power of other
persons.

- i. They shall cause as little damage or inconvenience to the Promoters as can be avoided:
- ii. Before they commence any work whereby the traffic on the tramway will be interrupted or the safety or convenience of the passengers thereby endangered they shall (except in cases of urgency, in which cases no notice will be necessary) give to the Promoters notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given Three days at least before the commencement of the work:
- iii. They shall not be liable to pay to the Promoters any compensation for injury done to the tramways by the execution of such work other than the actual cost that is entailed upon the Promoters thereby, or any compensation for loss of traffic occasioned thereby, or for the reasonable and unavoidable exercise of the powers vested in them as aforesaid:
- iv. Whenever for the purpose of enabling them to execute such work such persons shall so require, the Promoters shall either stop traffic on the tramway to which the

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notice shall refer, or shore up and secure the same during the execution of the work there: Provided that such work shall always be completed by such persons with all possible expedition:

- v. If it shall become necessary to remove the tramway from any part of the street to enable any such work to be effected, it shall be lawful for the Promoters 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:
- vi. They shall not execute such work so far as it immediately affects the tramway, except under the superintendence of the Promoters, unless the Promoters refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense and to the reasonable satisfaction of the Promoters.

Difference
between Pro-
motors and local
authority, &c.

20 If any difference or dispute arise between the Promoters on the one hand and any person to whom any sewer, drain, posts, tube, wire, or apparatus for telegraphic or other purposes may belong, or any other persons, on the other hand, with respect to any interference or control exercised or claimed to be exercised by such persons, or on their behalf, or by the Promoters by virtue of this Act in relation to any tramway or work, or in relation to any work or proceeding of such persons, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Promoters, or on the question whether any work is such as ought reasonably to satisfy the local authority or persons concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall be settled by an engineer or other fit person nominated as referee by the Governor in Council on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Running of cars,
&c.

21 The Promoters shall keep the tramway in good repair and working order at all times, and unless otherwise stipulated in their agreement shall provide and run cars in sufficient numbers for the proper accommodation of the public from the hour of Seven in the morning till Ten o'clock in the evening of every day except *Sundays*, and may run cars at other times.

Flanged wheels.

22 The Promoters may use on the said tramways conveyances with flanged wheels or other wheels suitable only to run on the

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rails thereof; and subject to the provisions of this Act, the Promoters shall have the exclusive use of the tramways for conveyances with flanged wheels or other wheels suitable as aforesaid. No conveyance used on the tramway shall extend beyond the outer edge of the wheels of such conveyance more than Two and a half feet on each side. A.D. 1906.

23 All conveyances used on the tramway shall be moved by electricity (or temporarily by other motive power if the Corporation think fit); and no carriage shall travel along any street at a greater speed than shall be directed by the Council. Motive power and speed.

24 Subject to their agreement, the Promoters may from time to time make and carry into effect contracts, agreements, and arrangements with any person— Special arrangements.

i. For or with reference to the use by such person of the tramway :

ii. For the charges to be paid by such person therefor :

iii. For the terms and conditions thereof, and incidental matters.

25 Subject to their agreement, it shall be lawful for the Promoters to make tolls and charges for the carriage and conveyance of mails, passengers, goods, stock, and merchandise as they may from time to time determine upon by any By-laws to be by them passed as hereinafter mentioned, but subject to the approval of the Governor in Council. Power to make charges.

26 Every passenger travelling on the tramways may take with him his personal luggage, not exceeding Twenty-eight pounds in weight, without any charge being made for the carriage thereof : Provided that such luggage be in such a portable form that it may be placed under the seat of the cars without inconveniencing other passengers, and not otherwise. The Promoters shall not be bound to carry, unless they think fit, any dogs or other animals, parcels, goods, articles, or things other than passengers' luggage, and shall not be bound to carry passengers' luggage exceeding Twenty-eight pounds in weight, or that is not in the portable form above mentioned. Passenger luggage.

27 A list of all the tolls and charges authorised by this Act to be taken, and which shall be demanded by the Promoters, shall be exhibited in a conspicuous place inside each of the conveyances used by the Promoters upon the tramways. List of tolls to be exhibited.

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

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Special cars.

29 The restrictions in this Act contained as to the tolls and charges which the Promoters may demand and take for the conveyance of passengers shall not extend to any special car or other conveyance, but shall apply only to the ordinary cars appointed by the Promoters from time to time for the conveyance of passengers; but the tolls and charges on special cars shall be subject to the provisions of their agreement.

Advertisements.

30 Subject to their agreement, the Promoters may use, or upon such terms as they shall think fit allow to be used, any of their cars or other conveyances for the purpose of publishing notifications or advertisements upon the same.

By laws.

31 Subject to their agreement, it shall be lawful for the Promoters from time to time to make By-laws:—

- I. For preventing the commission of any nuisance in or upon any conveyance or on any premises of the Promoters:
- II. For regulating the travelling upon or using or working of the tramways:
- III. For regulating the conduct of the officers and servants of the Promoters:
- IV. For the levying and making of tolls and charges:
- V. And generally for providing for the management of the affairs of the Promoters.

And it shall also be lawful for the Promoters from time to time to repeal or alter such By-laws, provided that such By-laws be not repugnant to law.

Penalty for infringement of By-laws.

32 Any person offending against any By-law of the Promoters shall forfeit for any such offence any sum not exceeding Five Pounds, to be imposed by the Promoters 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 causes any hindrance to the Promoters in the lawful use of the tramways, it shall be lawful for the Promoters or any of their servants summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and summarily to remove the offender from their conveyance or premises, and that without prejudice to the penalty incurred by the offender.

By-laws to be confirmed by Governor in Council, and published in *Gazette*.

33 A copy of all By-laws made by the Promoters shall be sealed with the seal of the Promoters, and submitted for approval to the Governor in Council, who, on being satisfied that the same are framed in conformity with law, and are reasonable and proper, may confirm the same; and no By-laws made by the Promoters 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 in Council shall have been published in the *Hobart Gazette*.

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34 A copy of all By-laws made by the Promoters shall also be painted on boards or printed on paper and pasted on boards and hung up and affixed and kept hung up and affixed on some conspicuous part of every office, station, or waiting-room belonging to or used by the Promoters.

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Further publication of By-laws.

35 It shall be lawful for the Governor in Council at any time to notify to the Promoters his disallowance of any By-laws then in force, and the time at which the same shall cease to be in force; and no By-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same: Provided that a copy of such notice shall be published in the *Hobart Gazette*, and the time of disallowance fixed by such notice shall not be earlier than Fourteen days after the date of the first publication of such notice.

Governor in Council may disallow By-laws.

36 The production of a copy of the *Hobart Gazette* containing a notice purporting to be a copy of any By-laws of the Promoters and of the confirmation thereof by the Governor in Council, or a notice of the disallowance by the Governor in Council of any By-laws of the Promoters, 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, and shall be *primâ facie* evidence that the provisions of this Act with respect to the publication of such By-laws have been complied with.

Gazette to be evidence of By laws.

37 If any person wilfully obstruct any person acting under the authority of the Promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purpose of setting out the line of the tramway, or wilfully destroys or damages any property of the Promoters, he shall for every such offence forfeit to the Promoters a penalty not exceeding Five Pounds, in addition to the amount of damage caused thereby.

Penalty for obstruction of company in laying out tramway.

38 If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully do any of the following things, namely:—

Penalties for injuring or obstructing tramways.

- I. Interfere with, remove, or alter any part of a tramway or of the works connected therewith:
- II. Place or throw any stone, dirt, wood, refuse, or other material on any part of any tramway:
- III. Do or cause to be done anything in such manner as to obstruct any of the Promoters' conveyances using the tramway, or to endanger the lives of persons therein or thereon:

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iv. Obstruct or impede, or endeavour to obstruct or impede, any officer, agent, or servant of the Promoters in the execution of his duty :

v. Obstruct or impede, or endeavour to obstruct or impede, any person from getting in or out of any conveyance lawfully using the tramways, either by shepherding such conveyance or otherwise.

vi. Refuse to quit the tramway or any station, office, or other premises connected therewith upon the request to him made by any officer, agent, or servant of the Promoters :

vii. Or knowingly aid or assist in the doing of any such thing—

he shall for every such offence (in addition to any proceeding by way of indictment or otherwise to which he may be subject) forfeit to the Promoters a penalty not exceeding Twenty Pounds.

Penalty on evasion of payment of fares.

39 If any person travelling, or having travelled, in any conveyance on the tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance proceeds in any such conveyance beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence be liable to and forfeit to the Promoters a penalty not exceeding Forty Shillings.

Power to detain offenders.

40 It shall be lawful for any officer or servant of the Promoters and all persons called by him to his assistance to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding Section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently delivered to a constable or gaoler, and all constables and gaolers may detain such person until he can conveniently be dealt with according to law.

Dangerous goods.

41 No person shall be entitled to carry on, or to require to be carried on, the tramway any goods which may be of a dangerous nature or which may be or are calculated to injure the furniture of the conveyance or the clothing of any passenger therein; and if any person take by the tramway any such goods he shall be liable to a penalty not exceeding Twenty Pounds for every such offence, and it shall be lawful for any authorised servant of the Promoters to refuse to take any parcel that he may suspect to contain goods of a dangerous nature or to require the same to be opened to ascertain the fact.

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- 42** If any person (except by agreement with the Promoters, and no such agreement shall be made unless authorised by their agreement) uses the tramway or any part thereof with conveyances having flange-wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence forfeit and pay to the Promoters a penalty not exceeding Twenty Pounds. A.D. 1906.
Penalty for using tramway with conveyances with flanged wheels.
- 43** Where no other mode is provided in this Act, all tolls, penalties, and charges under this Act or under any By-law made in pursuance of this Act, may be recovered and enforced before any Police Magistrate, or before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*. Recovery of tolls, penalties, &c.
- 44** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or any Act incorporated herewith, or any By-law, as aforesaid, which is recoverable in a summary way, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*. Appeals.
- 45** Notwithstanding anything in this Act contained, the Promoters shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they shall lay any tramway. Right of user only.
- 46** Nothing in this Act shall limit the powers of the local authority in any district to regulate the passage of any traffic along or across any street along or across which the tramway is laid down, and such authority may exercise any such power as well on as off the tramway, and with respect as well to the traffic of the Promoters as to the traffic of other persons. Power for local or police authority to regulate traffic.
- 47** The Promoters shall be answerable for all accidents, damages, and injuries happening through their default or through the default of any person in their employment, or by reason or in consequence of the defective condition of any of their works or conveyances, and shall save harmless all local authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, or injuries. Promoters responsible for all damages.
- 48** Every notice by this Act required to be given by or to the Promoters shall be in writing or print, or partly in writing or partly in print, and shall be signed by the Promoters, local 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 Promoters, local authority, or persons to whom the same shall be intended to be given, or if posted in a Service of notices.

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registered letter prepaid addressed to such Promoters, local 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.

Tramways not worked may be removed or seized by Corporation.

49 If at any time after the opening of any tramway for traffic the Promoters discontinue working it, or any part of it, for the space of Three calendar months, such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond the Promoters' control, or a resolution is passed for winding-up, or bankruptcy proceedings are commenced by or against the Promoters, the tramway, and all works and appurtenances connected therewith shall be forfeited to the Corporation, who may run and work the same for the benefit of the Corporation in as full a manner as if they were the Promoters thereof, or the Corporation may work or remove such tramway and restore the streets at the expense of the Promoters, and recover such expenses as a debt due from the Promoters, such expenses to be certified by some authorised officer of the Corporation, whose certificate shall be final and conclusive; and if the Promoters fail to pay the amount so certified within One calendar month after delivery to them of such certificate or a copy thereof, the Corporation may take possession of the material of such tramway, with all or any of the appurtenances, and sell the same by public auction or private sale, as the Corporation shall think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the expenses so certified as aforesaid and of the cost of sale, and the balance, if any, of the proceeds of the sale shall be paid to the Promoters.

Right to purchase.

50 The Corporation may, within Six months after the expiration of a period of Twenty-one years from the date of the completion of any tramway constructed under the provisions of this Act, and within Six months after the expiration of every subsequent period of Seven years, by notice in writing, require the Promoters to sell, and thereupon such Promoters shall sell to the Corporation their tramway or tramways, and the lands, buildings, works, materials, conveyances, and plant suitable to or used by the Promoters for the purposes of the same, hereinafter referred to as the undertaking, upon terms of paying the then value of the undertaking (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever, but in estimating the amount to be paid for freehold and leasehold lands and buildings, the same shall not be valued higher than the actual price paid for, or cost of the same without any addition for interest), such value to be, in case of difference, determined by an engineer or other fit person

How amount of purchase money ascertained.

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nominated as referee by the Governor in Council on the application of either party, and the expenses of the reference to be borne and paid as the referee directs; and on payment of the purchase money the Corporation shall be entitled to take immediate possession of such tramway, with its appurtenances.

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51 On payment of the purchase money, the undertaking and all the right, title, and interest of the Promoters, and any person or persons claiming by, through, or under the Promoters in and to the same, and all the rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the undertaking, shall, without the necessity of any transfer, conveyance, or connecting title other than this Act, be transferred and conveyed to and become vested in and be held, enjoyed, possessed, used, and exercised by the Corporation, freed and discharged from all claims and demands by or on the part of the Promoters or any person or persons claiming by, through, or under the Promoters, or any other person or persons whomsoever.

Property vested in Corporation on payment of purchase money.

52 Any person who, being in charge of any tramway for the time being or otherwise unlawfully—

Penalty.

- i. Refuses to hand over possession of the same with its appurtenances to the Corporation: or
- ii. Hinders or obstructs the Corporation in taking possession of the tramway and its appurtenances under the provisions of this Act—

shall be liable to and forfeit to the Corporation a penalty not exceeding One hundred Pounds, and be liable to Six months imprisonment.

53 Where the Corporation have purchased and taken possession of any tramway pursuant to the foregoing provisions, the Corporation may maintain and work the same subject to the provisions of this Act as the Promoters under this Act, and with the fullest powers and privileges with which the Corporation could authorise any company or person to maintain and work any tramway under this Act as such Promoters.

Corporation may work tramway.

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SCHEDULE OF ROUTES.

Invermay Line.—From the corner of Brisbane and Charles streets, along Brisbane-street to George-street, thence into Cameron-street, along Tamar-street and Invermay-road to a point Five hundred yards distant beyond the Racecourse Hotel.

Sandhill Line.—From Charles and Brisbane streets, along Charles-street to Elizabeth-street, thence by Wellington-street and road through King's Meadows to the road leading to the main entrance to the Carr Villa Cemetery.

King's Bridge to Newstead Line.—From King's Bridge, along Patterson-street, through Charles and Brisbane streets, along Elphin-road to Newstead.