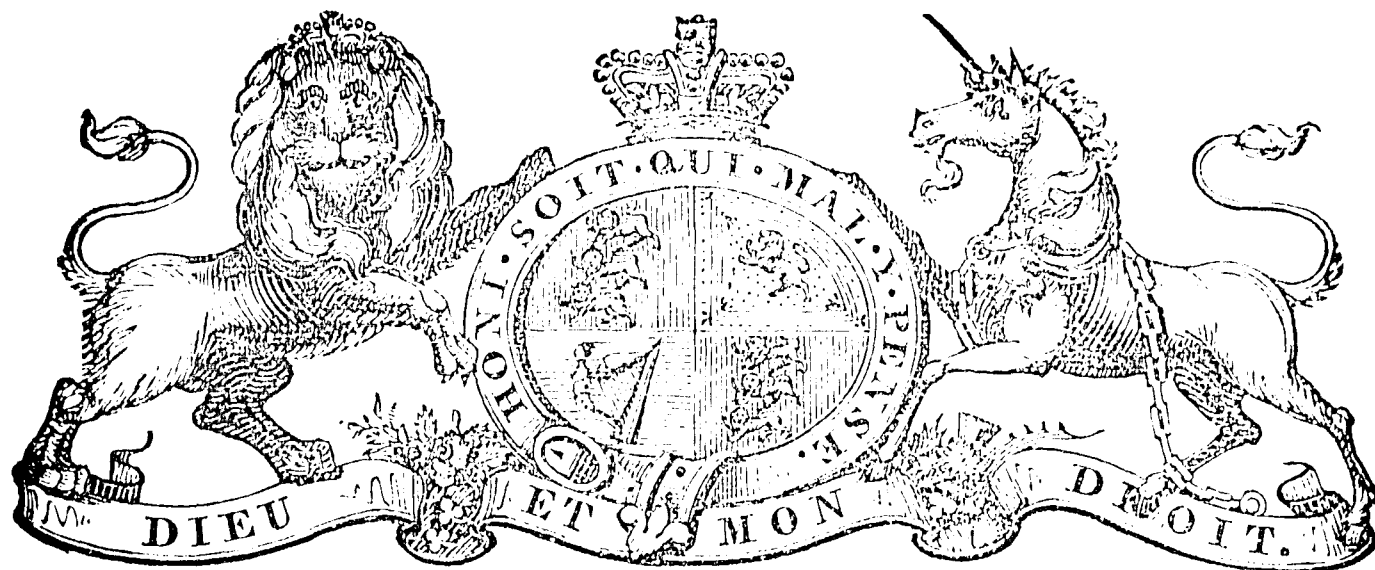


VICTORIA.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. DCCO XV.

An Act to authorize the Melbourne Tramway and Omnibus Company Limited to construct Tramway Branches in the Cities of Melbourne and Collingwood and in the Borough of St. Kilda and to amend "*The Melbourne Tramway and Omnibus Company's Act 1883*" and for other purposes. [12th December 1884.]

**W**HEREAS the making of the tramways hereinafter particularly described with their appurtenances and other works connected therewith would be of great public and local advantage: And whereas the Melbourne Tramway and Omnibus Company Limited is willing and it is expedient that it should be authorized to construct the said tramways appurtenances and other works: Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):— Preamble

1. This Act shall be called and may be cited as "*The Melbourne Tramway and Omnibus Company's Additional Branches and Amendment Act 1884.*" Short title.

2. Subject to the provisions of this Act, the Melbourne Tramway and Omnibus Company Limited may construct and maintain all or any of Power to construct branches.

*Published as a Supplement to the 'Victoria Government Gazette' of Friday, 12th December 1884.*

of the tramway branches mentioned in the First Schedule of this Act, and this Act shall be read and construed for all purposes with and as part of "*The Melbourne Tramway and Omnibus Company's Act 1883*," hereinafter called the Principal Act.

Interpretation  
clause and proviso  
as to fares.

3. The word "company" in sections fourteen fifteen sixteen seventeen eighteen nineteen twenty and twenty-one of the Principal Act, so far as such sections are or may be applicable to the maintenance repair renewal and working of the tramway or any part thereof, and in sections twenty-nine thirty-one thirty-four thirty-six thirty-seven thirty-eight thirty-nine forty forty-one and forty-three of the same Act shall during the existence of any lease granted to the Melbourne Tramway and Omnibus Company Limited by the Tramways Trust be read and construed to mean the Melbourne Tramway and Omnibus Company Limited, and subject as aforesaid the word "company" in the said sections shall be read and construed to mean the Tramways Trust. The words "Tramways Board" in the Principal Act in the sections aforesaid shall be read and construed to mean the Tramways Trust. The word "tramway" in the interpretation clause of the Principal Act shall include all engines boilers machinery ropes plant conveniences and appliances for the efficient working of the tramway, and the words "Tramways Trust" in this Act shall mean the Melbourne Tramways Trust mentioned in the Principal Act. Provided always that the fare for any single journey on any of the lines authorized to be constructed under the Principal Act or under "*The Melbourne Tramway and Omnibus Company's Branches Act 1883*" (No. DCCLXXXIV.) or this Act shall not exceed Three pence, and that the termini of the said several lines on which such fare shall be payable shall be those set forth in the Third Schedule hereto. Nothing herein contained shall affect the fare on the line from Spencer-street Railway Station to the intersection of Flinders and Swanston streets *via* Flinders-street, which shall not exceed One penny for a single journey.

Power to Tramways  
Trust to acquire  
engines &c.

4. It shall be lawful for the Tramways Trust to acquire by hire or purchase all such engines boilers machinery ropes plant conveniences and other appliances things and requisites as the said Trust may deem necessary and sufficient for the proper and efficient working of the tramway, and also to enter into contracts with the Melbourne Tramway and Omnibus Company Limited for the construction of any part of the tramways authorized to be constructed by the said Trust on such terms and conditions as the said Trust and the said company may mutually agree upon.

Members of the  
Trust may resign.

5. Any member of the Tramways Trust may resign his membership of such Trust by writing under his hand addressed to the chairman for the time being of the Trust, and the said chairman shall thereupon forward notice in writing of such resignation within one week from receipt thereof to the council whose representative shall have so resigned, and from the time when the same shall have been received by the chairman such member resigning as aforesaid shall  
cease

cease to be a member of the Trust, and the council by which such member was elected shall within one month thereafter elect another of its members to supply the vacancy thus created. Provided that any member of the Tramways Trust who shall be elected to fill any vacancy caused otherwise than by annual retirement as hereinbefore provided shall be deemed elected for the remainder of the term only for which the member in whose place he shall be so elected would have been entitled to continue a member.

6. No act or proceeding of the Tramways Trust acting under the authority of this Act or of the Principal Act or of the said Act numbered DCCLXXXIV. shall be invalidated or be illegal in consequence only of there being any vacancy in the Trust at the time of doing or executing such act or proceeding.

Acts of Trusts not  
invalidated by  
reason of vacancies.

7. The agreement set forth in the Second Schedule hereto is hereby confirmed, and shall be entered into and carried into execution in like manner as if it had formed part of the agreement in the Fourth Schedule to the Principal Act and had been set forth in the body of the said Act.

Confirmation of  
agreement.

## SCHEDULES.

### THE FIRST SCHEDULE.

*Melbourne.*—A branch of the length of four furlongs six chains sixty-seven links commencing at or near the intersection of Elizabeth-street and Bourke-street proceeding along Bourke-street westerly into Spencer-street in the city of Melbourne and parish of Melbourne.

*Melbourne.*—A branch of the length of five furlongs seven chains seventy-eight links commencing at or near the intersection of Swanston-street and Collins-street proceeding along Collins-street easterly to Spring-street thence along Gisbourne-street into Albert-street in the city of Melbourne and parish of Melbourne.

*Melbourne.*—A branch of the length of one furlong one chain twenty-three links commencing in Flinders-street at or near its junction with Queen-street proceeding northerly along Queen-street into Collins-street in the city of Melbourne and parish of Melbourne.

*Melbourne.*—A branch of the length of four furlongs six chains seventy-one links commencing in Bourke-street at or near its intersection with Russell-street proceeding northerly along Russell-street and Lygon-street into Queensberry-street in the city of Melbourne and parishes of Melbourne and North Melbourne or one of them.

*Melbourne.*—A branch of the length of three furlongs six chains commencing at or near the junction of the St. Kilda and Toorak roads proceeding along the Toorak-road to the junction of Park-street in the city of Melbourne and parish of South Melbourne.

*St. Kilda.*—A branch of the length of six furlongs commencing at or near the junction of Chapel-street and Wellington-street and proceeding along Chapel-street southerly into Carlisle-street in the borough of St. Kilda and parish of Prahran east of St. Kilda.

*Collingwood.*—A branch of the length of four furlongs commencing at or near the junction of Johnston and Hoddle streets and proceeding along Johnston-street easterly for a distance of about forty chains in the city of Collingwood and parish of Jika Jika.

*North*

*North Carlton.*—A branch of the length of four furlongs five chains twenty-five links commencing at or near the termination of Branch C Tramway No. 2 in Church-street proceeding along Rathdown-street northerly for a distance of forty-three chains or thereabouts to Parkside-street in the city of Melbourne and parish of Jika Jika.

All the above tramway branches are to be constructed with double lines.

#### THE SECOND SCHEDULE.

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ between the Melbourne Tramways Trust hereinafter called "the trust" of the one part and the Melbourne Tramway and Omnibus Company Limited hereinafter called "the company" of the other part: Witnesseth

1. If the trust shall within three months after the passing of this Act signify to the company by notice in writing (under the hands of any two of its members and the seal of the trust) its desire to construct the branches of the tramway authorized by this Act and by the said Act numbered DCCLXXXIV. to be constructed such trust shall have and be invested with all the powers conferred by the Principal Act and by the said Act numbered DCCLXXXIV. and by this Act on the company as to the construction maintenance use and working of the tramway within the municipal limits of the several corporations constituting such trust with all authorities obligations and privileges connected therewith and the same shall so far as applicable attach and apply to the trust in the same manner and to the same extent as if in respect of these provisions the trust had been expressly named in the Act instead of the company and the powers of the Act may without further or other authority be forthwith executed by the trust within the corporate limits of the corporations constituting the trust.

2. The Fourteenth Clause of the Agreement forming the Fourth Schedule to the Principal Act which prescribes that the trust shall grant to the company one lease of all such portions of the tramway is so far only as regards the number of leases to be granted hereby varied and the trust shall if demanded by the company grant to the company but at the company's cost separate leases of the different lines or branches of tramway authorized to be constructed under and by virtue of the Principal Act or the Act No. DCCLXXXIV. or this Act as and when each such line or branch shall be completed and fit for traffic and each such lease shall be for the term of thirty years to commence from the time when the liability for interest on the loan mentioned in the said Fourteenth Clause or the first part thereof which may be floated shall arise. At the expiration of any lease of any of the tramways authorized by this or the Principal Act to be granted by the tramways trust to the company the company shall deliver over the said tramway or tramways to which such leases shall refer in good working condition.

3. The company shall on demand in writing made by the trust (under the hands of any two of its members and the seal of the trust) furnish to the trust a written list of all the lands of the company within the tramway area which the company has acquired or has agreed to acquire either in fee simple or lesser estate as sites for the erection of engine-houses in connexion with the working of the tramways and shall give all information necessary to enable the trust to ascertain the nature of the interest of the company in such lands and the trust shall within twelve months from the passing of this Act by notice in writing (under the hands of any two of its members and the seal of the trust) addressed to the company require the company to sell to the trust all or any of the land so vested in the company with the buildings erected thereon. Such notice shall operate as a contract for the purchase of the lands therein referred to and if the trust and the company do not within one calendar month after the service of the said notice agree on the amounts proposed to be paid by the trust to the company for the company's interest in the land and buildings referred to, the matter or matters in difference shall be referred to two arbitrators or their umpire pursuant to and so as with regard to the mode and consequence of the reference and in all other respects to conform to the provisions in that behalf contained in  
the

the " *Common Law Procedure Statute 1865* " or any then subsisting statutory modification thereof. Provided that where any of such land buildings or property shall have been acquired by the company within the period of two years immediately preceding the date of the passing of this Act the price at which such land and buildings shall be taken by the trust shall be the cost price to the company thereof with interest on such cost price at the rate of Eight pounds sterling per centum per annum calculated from the time the same was paid by the company up to the date of the conveyance or transfer to the trust.

4. The trust shall purchase and the company shall sell assign and make over to or otherwise procure to be vested in the trust all patent rights acquired by the company and now held owned or used by or for the company for working the tramway at the actual cost thereof to the company but not exceeding in the whole Six hundred pounds. The company also agrees when so required by the trust (by notice in writing under the hands of any two of its members and the seal of the trust) from time to time during the currency of its lease of the tramways to execute at the expense of the trust all documents and do all such acts and things as may be necessary in order to the trust acquiring the right of using any patent rights having reference to the working of tramways which may be held owned or used by or for the company on payment by the trust to the company of such price or consideration for such right of user as the company and the trust may agree such price or consideration being however based upon the actual cost to the company of acquiring the patent in Victoria. In case of difference as to such price or consideration the same shall be referred to two arbitrators or their umpire pursuant to and so as with regard to the mode and consequence of the reference and in all other respects to conform to the provisions in that behalf contained in the " *Common Law Procedure Statute 1865* " or in any then subsisting statutory modification thereof.

5. The costs of and occasioned by the Act No. DCCLXXXIV. and this Act shall be repaid to the company by the trust in the same manner as the cost of the Principal Act is made payable.

#### THE THIRD SCHEDULE.

Termini of lines on which a fare not exceeding 3d. for any single journey may be charged:—

Spencer-street and Northcote-bridge Clifton Hill.

Spencer-street and Victoria bridge Simpson's-road.

General Post-office and intersection of Sydney and Moreland roads Brunswick-street.

Flinders-street railway station and intersection of Flemington and Boundary roads

Hotham.

Spencer-street and intersection of Nicholson-street and Parkside-street North Fitzroy.

Flinders-street railway station and bottom of Johnston-street.

Flinders-street railway station and intersection of Rathdown and Parkside streets

North Carlton.

Flinders-street railway station and Hotham Town Hall *via* West Melbourne.

Spencer-street railway station and intersection of St. George's-road and Barkly-street

North Fitzroy.

Spencer-street and Hawthorn-bridge Richmond.

Intersection of Madeline-street and Queensberry-street Carlton and the intersection of Grosvenor-street and Brighton-road.

Intersection of Madeline-street and Queensberry-street Carlton and the intersection of Chapel-street and Carlisle-street St. Kilda.

General Post-office and Beaconsfield Parade South Melbourne.

General Post-office and intersection of Beach-street and Railway-place Port Melbourne.

South Yarra railway station and intersection of Toorak and Irving roads Toorak.

Intersection of Barkly-street and Acland-street St. Kilda and South Yarra railway station.

Victoria-street Kew-bridge and Boroondara General Cemetery Bulleen-road.

Campbell Parade Hawthorn-bridge and intersection of Riversdale-road and Glenferrie-road.

MELBOURNE:

By Authority: JOHN FERRIS, Government Printer.