



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 20.

An Act to authorize and provide for the construction of a Railway from the intended Terminus of the Adelaide and Northern Railway, at Section 1411, in the Hundred of Light, to Section 1403, in the Hundred of Kapunda, and to confer certain powers on the Commissioner of Railways.

[Assented to, 1st September, 1859.]

WHEREAS a railway hath been constructed between the City of Adelaide and Port Adelaide, and another railway hath been constructed between the City of Adelaide and Gawler Town, and provision has been made for the construction of other railways from the terminus of the said railway between the City of Adelaide and Gawler Town, to Section 1411, Hundred of Light: And whereas it is expedient to provide for the construction of another railway from Section 1411, in the Hundred of Light, to Section 1403, in the Hundred of Kapunda: And whereas plans and sections of the railway by this Act authorized to be constructed, showing the line and levels thereof, have been laid before the House of Assembly—Be it therefore Enacted, by the Governor-in-Chief 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. It shall be lawful for the Treasurer, for the time being, of the said Province, from time to time, to issue bonds, not exceeding in the whole the sum of Thirteen Thousand Five Hundred Pounds,

Treasurer to raise
£13,500.

for such amounts as he may deem expedient, and such bonds shall be in the form following that is to say—

Form of bond.	No.	£	No.
	South Australian Government Revenue Securities. (Railway.)		

I, the Treasurer of the Province of South Australia, in consideration of the sum of _____ Pounds, paid to me for the purposes of the extension of the Adelaide and Northern Railway, do hereby bind myself to pay to the holder, for the time being, of this present obligation, the sum of _____ Pounds, and interest thereon after the rate of six per cent. per annum; such interest to be payable on the first day of January and the first day of July in every year, and the principal to be paid on the first day of _____, in the year one thousand eight hundred and _____

Sealed with my seal. Dated the _____ day of _____, one thousand eight hundred and _____

Signed, sealed, and delivered, in }
the presence of }

NOTE.—*Interest and principal*, payable at the Treasury, in Adelaide, South Australia, or [in London or in any other agreed place, to be declared at the time of issue] at such place as may be appointed, by notice to be given in the *South Australian Government Gazette* [and in the *London Gazette*].

And every holder of any such bond, for the time being, shall be entitled to all rights and remedies, under and in respect of the same, in the like manner as though he had been named therein as the obligee thereof.

Bonds to bear interest at six per cent.

2. The said bonds shall bear interest at the rate of Six Pounds per centum per annum; and the interest and principal upon such bonds shall be payable and paid to the holder thereof, at such place and at such time as may be specified or provided therein: Provided that the principal shall not be payable or paid before the expiration of five years, or after the expiration of thirty years, after the passing of this Act.

When payable.

Moneys raised by bonds how applied.

3. All sums of money raised and received by the Treasurer upon the security of the said bonds, shall be carried by the said Treasurer to the credit of the Commissioner of Railways, for the purposes of this Act, and shall be by him paid to the said Commissioner, in such amount and manner as the Governor, by any warrant under his hand, may, from time to time, authorize and direct.

There is no Commission of Railways as far as regards this Act.

£1,350 to be set apart annually for payment of principal and interest.

4. It shall be lawful for the said Treasurer, and he is hereby required, in each and every year from the first raising of any sums of money under the authority hereof, until the whole amounts so raised,

raised, and all interest thereon, shall have been duly paid, to set apart the sum of One Thousand Three Hundred and Fifty Pounds, or such lesser sum as shall suffice to pay the amount of bonds redeemable during such year, together with interest upon all bonds which shall then bear interest; and shall apply such sum in payment of such bonds and interest as aforesaid, in manner specified in such bonds.

5. It shall be lawful for the said Treasurer, and he is hereby authorized and required, out of the General Public Revenue of the said Province, for the year 1860-61, to carry the sum of Six Thousand Five Hundred Pounds to the credit of the said Commissioner for the purposes of this Act, and to pay over the said sum of Six Thousand Five Hundred Pounds to the said Commissioner, in such amount and manner as the Governor by any warrant under his hand may from time to time authorize and direct.

Moneys for the construction of railway, how to be provided and applied.

6. The Railways Clauses Consolidation Act and the Lands Clauses Consolidation Act shall be incorporated with and form part of this Act.

Incorporation of general Ordinances, No. 7 of 1847, and No. 6 of 1847.

7. It shall be lawful for the Commissioner of Railways, to make and maintain the said line of railway, branches, extensions, roads, and works, in the line and upon the lands delineated in the said plans, and to enter upon, use, and take such of the lands delineated and referred to in such plans, as shall be or be deemed necessary for such purpose.

Power to make railway according to deposited plans.

8. It shall be lawful for the said Commissioner of Railways, in the construction of the railway and branches by this Act authorized to be made, to carry the same on the level across the said several roads lettered on the plans hereinbefore mentioned as follows, that is to say, at B and E.

List of crossings on the level.

9. It shall be lawful for the said Commissioner to stop and close, either wholly or in part, such of the roads shown upon the said plans, and marked respectively A C D at the point of intersection by the said proposed railway, as they may, from time to time, deem expedient: Provided that the owners and occupiers of all lands which shall abut upon any road so stopped, shall be entitled to receive full compensation in respect of any loss or damage to be occasioned by such stoppage; and the amount and application of any such compensation shall be determined in manner provided by the Lands Clauses Consolidated Act, for determining the amount and application of the compensation to be paid for lands taken under the provision thereof.

Commissioner may stop roads.

10. When any road shall have been stopped, or closed, in whole or in part, by virtue of the power so hereinbefore given, it shall be lawful for the said Commissioner to convey such roads, so far as the

Commissioner may convey lands.

the

the same may be stopped or closed, or any part thereof, to the owner of the land upon which such road, or part of a road may abut.

Commissioner to have power of Commissioners under Road Act.

11. The said Commissioner shall, with respect to all roads shown upon the said plans, have all the rights, authorities, and powers of Commissioners of Roads under an Act, No. 17 of 1852, For the making and improving of Roads in South Australia.

Guage of railway.

12. The guage of five feet and three inches shall be the guage to be used in the railway by this Act authorized to be constructed: Provided that it shall be lawful for the Governor to alter the said guage so as to bring the same into conformity with any guage which may be adopted in the neighboring Colonies.

Tolls.

13. It shall be lawful for the said Commissioner to demand any tolls for the use of the railway, not exceeding the following, that is to say—

Tonnage on articles conveyed.

I. In respect of the tonnage of all articles conveyed upon the railway, or any part thereof not in this Act otherwise particularly specified, not exceeding the rate of Ninepence per ton, per mile.

For wool, measurement goods, fruit, and furniture, One Shilling per ton, per mile.

For every description of carriage, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile, not exceeding One Shilling and Threepence; and for any ton or fractional part of a ton beyond one ton, which any carriage may weigh, a sum per mile not exceeding Eightpence.

Tolls for passengers and cattle.

II. In respect of passengers and animals conveyed upon the railway in carriages, whether belonging to the said Commissioner or otherwise, as follows—

For every person conveyed in or upon any such carriage, being a first-class carriage, or compartment of a carriage, per mile, not exceeding Fourpence.

For every person conveyed in a second-class carriage, or compartment, per mile, not exceeding Threepence.

Provided always, that, for every fraction of a mile, a full mile may be charged; and that for any shorter distance than three miles, three miles may be charged:

For every horse, mule, ass, or other beast of draught or burden, conveyed upon the railway, Sixpence per mile; and for every ox, cow, bull, or neat cattle, so conveyed, Twopence per mile.

For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the railway, One Half-penny per mile.

14. In

14. In the said tolls shall be included the toll for the use of the carriages and of the engines for propelling the carriages on the said railway, and that no further charge than is heretofore stated shall be made for the use of such engines: Provided, that nothing herein contained shall be construed to prevent an extra charge being made for the use of engines and carriages for special and express trains: And provided also, that any person or corporations employing their own locomotive engines and carriages shall be entitled to run such engines and carriages upon the said railway and branches, paying seventy per cent. of the tolls receivable or payable in respect of the goods and passengers conveyed or carried by such engines and carriages.

Tolls to include use of locomotive power.

15. In addition to the prescribed tolls for the conveyance of articles, the said Commissioner may charge a reasonable sum for loading and unloading: Provided always, that the owners of goods shall be at liberty to employ their own servants for loading and unloading, subject to the regulations in force for the time being for the working of said railway; with respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight; with respect to stone and timber, fourteen cubic feet of stone, and forty cubic feet of hard wood, and fifty cubic feet of other timber shall be deemed one ton weight, and so on in proportion for any smaller quantity: Provided that any quantity less than half a ton may be charged as half a ton.

Regulations as to the tolls.

16. And with respect to small packages and single articles of great weight—Be it Enacted, That, notwithstanding the rate of tolls hereinbefore prescribed, the said Commissioner may lawfully demand the tolls following, that is to say—

Tolls for separate parcels.

For the carriage of small parcels on the railway—For any parcel not exceeding twenty-eight pounds in weight, not exceeding One Penny per mile each.

For any parcel not exceeding fifty-six pounds in weight, not exceeding Three Halfpence per mile each.

For any parcel not exceeding one hundred and twelve pounds in weight, not exceeding Twopence per mile each; and not exceeding One Penny per mile each for every additional fifty-six pounds in weight;

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages—

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which shall exceed four tons, the said Commissioner may demand such sum as he shall think fit.

Commissioner to be entitled to receive a fixed sum per ton for short distances.

17. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway and branches, for so short a distance that the sum of money authorized by this Act to be demanded or received for the same shall not amount to the sum of Three Shillings per ton, the sum to be paid in respect of the carriage thereof shall be Three Shillings per ton.

Goods to be removed within a certain time.

18. Owners or consignees of articles shall remove the same from the station or terminus of their destination on the said railway, within twelve hours after their arrival there, unless such arrival shall be between the hours of four in the evening and seven in the morning; and, in that case, every such removal shall be made within six hours after such hour in the morning; and, in default of such removal, shall be liable to demurrage at and after the rate of Two Shillings and Sixpence per ton; and further, if not removed after the expiration of twenty-four hours, at and after the rate of One Shilling per ton for such twenty-four hours or any part thereof: Provided, nevertheless, that if such articles be not removed from such station or terminus of their destination, before the end of one week after their arrival there, the sum of Two Shillings and Sixpence per ton per week shall be charged and payable in respect of such goods for the warehouse-room thereof.

Passengers' luggage.

19. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred pounds in weight for first-class passengers, and sixty pounds in weight for second-class passengers, without any charge being made for the carriage thereof.

Appropriation of tolls, rents, &c.

20. All tolls, rents, dues, charges, and sums of money, which may at any time be received and levied under authority hereof, and all rents to arise under the authority to demise the said railway, given by the "Railway Commissioners' Act, 1859," shall be from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the purpose of, in the first instance, defraying the costs and charges of and attending the maintenance, working, and management of the said railway, and any balance, after payment of such expenses, shall be applied by the said Treasurer to and for the public purposes of the said Province.

Annual abstract of accounts to be published.

21. The said Commissioner shall, on or before the first day of February in every year, prepare an annual account in abstract of the total receipts and expenditure of all funds raised or received under authority hereof for the purposes of the railway by this Act authorized to be constructed, whether arising from loans, tolls, charges, or any other service, for and during the past year, under the several distinct heads of receipt and expenditure, with a statement of the balance of the same account duly audited and certified by the Treasurer and also by the Auditor-General, and a copy of such account shall be published in the *South Australian Government Gazette*.

22. It

These figures are not in the Statute book of 1859. See S. 7. of the Act.

22. It shall be lawful for the Governor, from time to time, by warrant under his hand, to authorize the Treasurer to advance and pay to the said Commissioner, for the purposes of this Act, any sums of money not exceeding in the whole the sum of Twenty Thousand Pounds ; and any sums of money so advanced and paid shall be retained by the Treasurer out of any moneys authorized to be raised or applied by him under authority hereof.

Governor may advance moneys to be repaid.

23. The railway and branches by this Act authorized to be constructed, shall be, and are hereby declared to be, exempt from sewers, highway, municipal, police, improvement, and all other local rates and taxes.

Exemption from local rates.

24. In citing this Act, in other Acts and legal instruments, it shall be sufficient to describe it as "The Gawler Town Railway Further Extension Act to Section 1403."

Short title of Act.

25. This Act shall take effect from the ^x passing thereof.

Commencement of Act.

** 9. Eight days of the
Septim 1?
29. April 1859.*