



1854.

No. 18.

*An Act to authorize the formation of the Adelaide and Gawler Town Railway, and to provide for raising the money required for that purpose.*

[Assented to, December 15, 1854.]

*Annulled by  
No 27 - 1855 - 6 -*

Preamble.

**W**HEREAS great public advantage would accrue from the construction of a Railway between the City of Adelaide and Gawler Town, with a branch to the Dry Creek, and it is expedient to provide for the same in manner hereinafter mentioned: And whereas plans and sections of the undertaking, showing the line and levels thereof, and of the branches and extensions thereof, and of a proposed road to connect the same with Gawler Town, and also alternative lines and levels, and also books of reference, containing the names of the owners and occupiers, or reputed owners and occupiers of the lands through which the same is intended to pass, have been deposited in the office of the Surveyor-General, and copies of such plans and sections have been signed by the Speaker of the Legislative Council—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, by and with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Colonial Treasurer, for the time being, of the said Province, from time to time, to issue bonds, not exceeding in the whole the sum of Two Hundred and Fifty Thousand Pounds, for such amounts as he may deem expedient; and such bonds shall be in the form following, that is to say—

Colonial Treasurer to raise £250,000.

No.	£	No.	£	Form of bond.
Adelaide and Gawler Town Railway Bond.				
I, Colonial Treasurer of the Province of South Australia, in consideration of the sum of _____ Pounds, paid to me for the purposes of the Adelaide and Gawler Town Railway, do hereby bind myself to pay to the holder,				
				for

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*, payable at the Colonial Treasury in Adelaide,  
South Australia, or [in London or in any other agreed  
place], at such place as may be appointed, by notice to be  
given in the *South Australian Government Gazette*, [and in  
the *London Gazette*].

Principal payable at the Colonial Treasury, in Adelaide,  
or, at the option of the holder [in London or other  
agreed place] if six months' notice of desire to that effect  
be given to the Colonial Treasurer in South Australia.

And every holder of any such bond, for the time being, shall be en-  
titled 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 shall be issued in such manner, and payable at  
such times respectively, as that bonds not exceeding the sum of Ten  
Thousand Pounds shall be redeemable in every year from the first  
issue thereof; and the interest and principal upon such bonds shall  
be payable and paid to the holder thereof, at such place and time as  
may be specified or provided therein.

Moneys raised by  
bonds, how applied.

3. All sums of money raised and received by the Colonial Treasurer  
upon the security of the said bonds, shall be carried by the said  
Treasurer to the credit of the Commissioners hereinafter authorized  
to be appointed, and shall be by him paid to the said Commissioners,  
in such amount and manner as the Governor, by any warrant under  
his hand, may, from time to time, authorize and direct.

£25,000 to be set  
apart annually for  
payment of principal  
and interest.

4. It shall be lawful for the said Colonial 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 of the  
amounts so raised, and all interest thereon, shall have been duly paid,  
to set apart the sum of Twenty-five Thousand 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.

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

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

6. It

6. It shall be lawful for the Governor, by warrant under his hand and the public seal of the said Province, to nominate three persons to be Commissioners for the execution of this Act during the pleasure of the Governor, and to remove any one or more of the same, and others to appoint in their place, and the said persons, so nominated, shall be Commissioners for the execution of this Act, and at all meetings of the said Commissioners two shall form a quorum, and no resolution adopted at any meeting of such Commissioners shall have any force unless confirmed at a subsequent meeting.

Governor to appoint Commissioners.

7. The said Commissioners shall, from time to time, appoint and employ such secretary, solicitor, engineers, clerks, messengers, and other officers at such reasonable salary, pay or reward, as to such Commissioners may seem meet, subject to the approval of the Governor, and, from time to time, at their discretion to dismiss and discharge such officers, or any of them, and to appoint others in their place, subject to such approval as aforesaid.

Commissioners to appoint officers.

8. The Commissioners, so appointed, may sue and be sued in the name of their Secretary for the time being, and no action or suit, to be brought or commenced by or against the said Commissioners, shall abate or discontinue by the death or removal, or by the act of such secretary: Provided, that nothing herein contained shall extend to make any such Commissioners or Secretary, as aforesaid, personally, or their respective estates, lands, or tenements, goods, and chattels, liable to any judgment, order or decree, which may be obtained in any such action or suit, but that the costs, charges, and expenses of every such Commissioner, or Secretary, by reason of having been made plaintiff or defendant, or for any contract, act, matter, or thing whatsoever, made or entered into in the *bona fide* execution of this Act, shall, from time to time, be defrayed by the said Commissioners out of the money so issued to them as aforesaid, or out of any other moneys which may come to their hands by virtue of this Act.

Commissioners to sue and be sued in name of Secretary.

9. It shall be lawful for the said Commissioners 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 described in the said books of reference, and to enter upon, use, and take such of the lands delineated and referred to in such plans and books of reference, as shall be or be deemed necessary for such purpose.

Power to make Railway according to deposited plans.

10. Subject to the provisions in the said Railways Clauses Consolidation Act contained, in reference to the crossing of roads on a level, it shall be lawful for the said Commissioners, 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 plan hereinbefore mentioned as follows, that is to say—A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, KK, LL, MM, NN, OO, PP, QQ, RR, and SS.

List of crossings on the level.

11. It

Commissioners may stop roads.

11. It shall be lawful for the said Commissioners, to stop and close, either wholly or in part, such of the roads shown upon the said plan, and marked respectively G, H, I, K, L, M, N, P, S, T, U, W, X, Y, Z. AA, BB, DD, EE, FF, MM, NN, 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 the manner provided by the "Lands Clauses Consolidation Act," for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Commissioners may convey lands.

12. 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 Commissioners to convey such roads, so far as 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.

Commissioners to have power of Commissioners under Road Act.

13. The said Commissioners 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.

14. The guage of five feet and three inches shall be the guage to be used in the said Railway: 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.

15. It shall be lawful for the said Commissioners 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 like sum per mile of Eightpence.

Tolls for passengers and cattle.

- ii. In respect of passengers and animals conveyed upon the Railway in carriages, whether belonging to the said Commissioners or otherwise, as follows—

For

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, Sixpence; and for every ox, cow, bull, or neat cattle, conveyed upon the Railway, per mile, Twopence.

For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the Railway, One Halfpenny per mile.

16. Provided, 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.

17. In addition to the prescribed tolls for the conveyance of articles, the said Commissioners 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 in proportion for any smaller quantity: Provided, that any quantity less than half a ton may be charged for as half a ton.

Regulations as to the tolls.

18. 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 Commissioners 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 Commissioners may demand such sum as they shall think fit.

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

19. Provided that, 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

20. 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.

21. 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.

Governor may lease Railway.

22. After the said Railway shall have been completed and opened for the purposes of public traffic, for the space of six calendar months, it shall be lawful for the Governor, from time to time, by advertisement in the *South Australian Government Gazette*, to invite tenders for the leasing thereof, upon such terms as may appear to him expedient; and upon the receipt of such tenders, to accept any one thereof, or at his option to refuse all of such tenders, and upon acceptance

acceptance of any such tenders, and security being given to the satisfaction of the Governor for the due performance thereof, to demise and lease the said Railway, branches, and works, and the tolls, dues, and charges thereof and arising therefrom: Provided that every such lease shall contain a covenant on the part of the lessee, to provide a conveyance for all Military, Volunteer, Militia, Police, and other Forces when proceeding on duty, and for all public Mails and public stores by the ordinary trains, free of charge; and in the event of invasion or civil commotion, to place the whole resources of the Railway at the disposal of the Local Government, upon requisition, at the charge actually incurred by such lessee.

23. 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 hereby given, shall be, from time to time, in such manner as the Governor may prescribe, paid to the Colonial 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 Colonial Treasurer to and for the public purposes of the said Province.

Appropriation of tolls, rents, &c.

24. The said Commissioners 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 undertaking, 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 Colonial Treasurer and also by the Auditor-General, and a copy of such annual account shall be published in the *South Australian Government Gazette*.

Annual abstract of accounts to be published.

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

Governor may advance moneys, to be repaid.

26. The undertaking shall be, and is hereby declared to be, exempt from sewers, highway, municipal, police, improvement, and all other local rates and taxes now or hereafter to be imposed.

Exemption from local rates.

27. In citing this Act, in other Acts and legal instruments, it shall be sufficient to describe it as "The Adelaide and Gawler Town Railway Act."

Short title of Act.