



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1873.

No. 10.

An Act to provide for the formation of a Line of Tramway from the Hoyle's Plains Terminus to Section 198, Hundred of Blyth, County of Stanley.

[Assented to, 18th December, 1873.]

WHEREAS it is expedient to provide for the Extension and Construction of a Line of Tramway from the Hoyle's Plains Terminus of the Port Wakefield and Hoyle's Plains Tramway to Section 198 in the Hundred of Blyth, County of Stanley: And whereas plans of the proposed tramway, showing the line thereof, together with the book of reference thereto, have been duly prepared and deposited in the office of the Surveyor-General, at Adelaide, and signed "H. C. Mais, Engineer-in-Chief, 17-7-73"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Port Wakefield and Hoyle's Plains Tramway Extension Act." Short title.

2. "The Lands Clauses Consolidation Act," No. 6 of 1847; the Act No. 26 of 1855-6; "The Railway Clauses Consolidation Act," No. 7 of 1847; the Act No. 6 of 1858;" and the Act No. 25 of 1866-7, so far as the same are severally applicable to this Act, shall be incorporated therewith, and this Act and the said Acts shall be read and construed together accordingly. Incorporation.

3. The Commissioner of Railways may extend the tramway constructed, Power to make tramway.

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structed, pursuant to the Act No. 25 of 1866-7, and may make, maintain, and extend the said line of tramway from the Hoyle's Plains Terminus of the Port Wakefield and Hoyle's Plains Tramway to Section 198, in the Hundred of Hall, County of Stanley, together with all proper works and conveniences connected therewith, as the same is delineated in the said plans so deposited in the office of the Surveyor-General, at Adelaide, as aforesaid, and for that purpose may enter upon, use, and take such of the lands delineated and referred to in such plans as shall be or be deemed necessary for that purpose.

Power of Commissioner.

4. The Commissioner of Railways shall have and exercise the like powers and authorities with reference to the line of tramway hereby authorized to be constructed, and otherwise, as are conferred upon him by the Act No. 11 of 1859, and by the Act No. 25 of 1866-7 respectively, in respect to the undertakings therein mentioned, and for the purposes of this Act and for carrying out the undertaking hereby authorized, the Commissioner shall be and be deemed to be "The Promoters of the Undertaking," mentioned in the Act No. 6 of 1847, and shall and may have and exercise in relation to the undertaking hereby authorized all the powers and authorities by such Act "vested in the Promoters of the Undertaking," and for the purposes of this Act and for carrying out the undertaking hereby authorized, the said Commissioner shall be and be deemed to be "The Company," mentioned in the Act No. 7 of 1847, and shall and may have and exercise in relation to such undertaking all the powers and authorities by such Act vested in the Company.

Gauge.

5. The gauge of the said tramway shall be three feet six inches, and the rails to be used in the construction thereof shall be of iron, and of the weight of not less than thirty-five pounds to the yard.

List of crossings on the level.

6. The said Commissioner of Railways in the construction of the tramway and branches by this Act authorized to be made, may carry the same on the level across the several roads lettered on the plans hereinbefore mentioned, as follows, that is to say—AA, BB, CC, DD, EE, FF, GG, and HH.

Commissioner may stop roads.

7. The said Commissioner may stop and close either wholly or in part, such of the roads shown upon the said plans, and lettered respectively A, B, C, and D, at the point of intersection by the said proposed tramway, as he 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 "Land Clauses Consolidation Act" for determining the amount and application of any such compensation to be paid for lands taken under the provisions thereof.

8. When

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8. When any road shall have been stopped or closed in whole or in part, by virtue of the powers so hereinbefore given, it shall be lawful for the said Commissioner 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. **May convey lands.**

9. 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 the Act, No. 17 of 1852, and the Act No. 11 of 1863. **May have power of Commissioners under Road Act.**

10. The said Commissioner may demand any tolls for the use of the tramway at the same rates, upon the same terms and conditions and upon the same persons, animals, and things as prescribed and provided by the said Act No. 25 of 1866-7. **Tolls.**

11. The tramway by this Act authorized to be constructed, shall be, and is hereby declared to be, exempt from sewers, highway, municipal, police, improvement, and all other local rates and taxes. **Exemption from local rates.**

12. The powers hereby vested in the said Commissioner for the compulsory purchase or taking of lands under and pursuant to the Lands Clauses Consolidation Act, shall not be exercised after the expiration of five years from the passing of this Act. **Limiting powers of compulsory purchase or taking.**

In the name and on behalf of Her Majesty I hereby assent to
this Act

A. MUSGRAVE, Governor.