



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

No. 1.

An Act to authorise the appointment of Undertakers for the Construction of the Adelaide City and Port Railway.

[Assented to 3rd October, 1851.]

WHEREAS by the Adelaide City and Port Railway Act powers and authorities were given to and conferred upon a certain Company, with a view to the construction by the said Company of a Railway from the City of Adelaide to Port Adelaide; and it was by the said Ordinance provided amongst other things that if within eighteen months from the passing thereof five miles at the least of the said Railway should not be made and completed, it should be lawful for the Governor by Proclamation published in the *South Australian Government Gazette*, to declare such Ordinance to have ceased and determined, and that thereupon all and every the grants of land which should be made by and on behalf of Her Majesty for the purposes of the said Railway and branches, and the rights and privileges conferred by the said Ordinance should be utterly null and void, and the land and privileges should revert to and revest in Her Majesty as if no grant had been made and privileges conferred: And whereas such five miles of Railway were not completed within the said period of eighteen months from the passing of the said Ordinance: And whereas great advantages would result to the public from the construction of the said Railway, and it is expedient to provide for the same in manner hereinafter mentioned:

Be it therefore Enacted, by His Excellency the Governor of South Australia, with the advice and consent of the Legislative Council thereof, That it shall be lawful for the Governor by any Proclamation published in the *South Australian Govern-*

Governor may declare Ordinance No. 1, of 1850 void, only so far as relates to Company.

See 20. 12. 1852
20. 18. 1853
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ment Gazette to declare the said Adelaide City and Port Railway Act to have ceased and determined, so far only as relates to the powers and privileges thereby given to and vested in the Adelaide City and Port Railway Company; and that thereupon the rights and privileges conferred by the said Ordinance upon the said Company shall utterly cease and determine, and any grants of land which may have been made, or engaged to be made, by or on behalf of Her Majesty shall be void, and the land thereby granted shall revert in Her Majesty in the same manner as though such grant or the said "Adelaide City and Port Railway Act" had not been made, or engaged to be made: Provided always that the period for completing the said Railway and its branches shall be five years from the twenty-third day of September, one thousand eight hundred and fifty-one, instead of three years, as fixed by the said Ordinance.

23^d Sept 1851
 23^d Sept 1851

Governor may appoint Undertakers.

2. And be it Enacted, That it shall be lawful for the Governor and Legislative Council to appoint certain persons not being fewer than five (two to be appointed by the Governor and three by the Legislative Council), to be Undertakers for the construction, completion, and management of the Adelaide City and Port Railway as defined in the "Adelaide City and Port Railway Act," and that the Undertakers so appointed shall have equal powers, and shall elect their own Chairman, and that at every meeting of such undertakers three shall form a quorum, and that from and after such appointment all the rights, powers, and privileges by the said "Adelaide City and Port Railway Act" given to, and all duties and obligations thereby imposed upon, the Adelaide City and Port Railway Company, so far as the same shall relate or apply to the construction and completion of the said Railway, and the management and working thereof, shall be enjoyed and exercised by, and vested in, and binding upon such Undertakers.

Governor may issue money to Undertakers.

3. And be it Enacted, That it shall be lawful for the Governor from time to time, out of the General Revenue of the Colony, by warrant of payment directed in the customary manner to the Colonial Treasurer, to issue to the said Undertakers for the construction of the said Adelaide City and Port Railway any sums of money not exceeding in the whole the sum of Forty-five Thousand Pounds, and such further and other sums (if any) as may be appropriated to such purpose by and with the consent of the Legislature of this Colony.

Undertakers may sue and be sued.

4. And be it further Enacted, That the Undertakers so appointed may sue and be sued in the name or names of any or of such Undertakers, or of their Secretary or Clerk for the time being, and that no action or suit to be brought or commenced by or against the said Undertakers, or any of them, shall abate or discontinue by the death or removal of such Undertakers, or of their Secretary or Clerk, or any of them, or by the act of such Undertaker Secretary, or Clerk, or any of them: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Undertakers, or any of them, or their Secretary or Clerk

as aforesaid, personally, or their respective estates, lands, or tenements, goods and chattels, liable to satisfy 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 Undertaker, Secretary, or Clerk, 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 Undertakers 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.

5. And be it Enacted, That after the completion of the said Adelaide City and Port Railway, or of any part thereof, for the purposes of public traffic, it shall be lawful for the said Undertakers, with the consent of the Governor, by advertisement in the *South Australian Government Gazette*, to invite tenders for the leasing of the tolls thereof, or of such part thereof as shall be so completed, upon such terms as they may think expedient; and upon the receipt of such tenders, to accept any one thereof, and upon security to the satisfaction of such Undertakers, being given for the due performance of the terms of such tenders, to demise and lease the said tolls, and all dues and charges arising from, or receivable in respect of the said Railway, or of the part thereof so finished, according to the terms of the said tender.

Undertakers may lease tolls.

6. And be it Enacted, That all tolls, rents, dues, charges, and sums of money which may at any time be levied and received under the authority of the Adelaide City and Port Railway Act or of this Act, after defraying the expenses of the management and working of the said Railway, and all rents to arise under the authority to demise the said tolls herein given, shall be payable and paid to the said Undertakers, and shall be by them duly paid to the Colonial Treasurer to and for the public purposes of the Province.

Application of tolls, rents, &c.

7. And be it Enacted, That the main line of Railroad to Port Adelaide, between its termini at Adelaide and Port Adelaide, shall be first completed and brought into operation before the branch road to the North Arm be commenced.

Main line of Railway to be first completed.

JOHN MORPHETT, Speaker.

*Passed the Legislative Council this First }
day of October, One Thousand Eight }
Hundred and Fifty-one.*

F. C. SINGLETON,
Clerk of Council.

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

H. E. F. YOUNG,
Lieutenant-Governor.
Government House, Adelaide,
3rd October, 1851.