



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1873.

No. 7.

An Act to provide for the formation of a Line of Railway from Port Broughton to the eastern boundary of Section No. 526, in the Hundred of Red Hill, County Daly.

[Assented to, 18th December, 1873.]

WHEREAS it is expedient to provide for the construction of a line of railway from Port Broughton, in the Province of South Australia, to the eastern boundary of Section No. 526 in the Broughton Extension Area, in the Hundred of Red Hill, County of Daly, in the said Province : And whereas plans of the proposed railway, 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, July 17, 1873"—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 Broughton Railway Act." Short title.

2. The Act No. 6 of 1847, the Act No. 26 of 1855-6, the Act No. 7 of 1847, and the Act No. 6 of 1858, 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 make and maintain a line of railway from Port Broughton aforesaid to the eastern boundary line of the said Section No. 526, together with all proper works and conveniences Power to make railway.

The Port Broughton Railway Act.—1873.

conveniences connected therewith, as the same is delineated in the said plans so deposited in the office of the Surveyor-General, at Adelaide 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 such purpose.

Power of Commissioner.

4. The said Commissioner shall have and exercise the like powers and authorities with reference to the undertaking hereby authorized as are conferred upon him by the said Act, No. 11 of 1859, 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 deemed to be "The Promoters of the Undertaking" mentioned in the said 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 deemed to be "The Company" mentioned in the said 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 railway 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, in the construction of the railway 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—A, B, C, D, and E.

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 AA, BB, and CC, at the points of intersection by the said proposed railway, 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 Act No. 6 of 1847 for determining the amount and application of any such compensation to be paid for lands taken under the provisions thereof.

May convey lands.

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.

Commissioner not bound to fence.

9. The said Commissioner shall not be bound to fence the said line of railway along any portion thereof, excepting where it passes through purchased land.

10. The

The Port Broughton Railway Act.—1873.

10. 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.

Commissioner may have power of Commissioners under Road Act.

11. The said Commissioner may demand any tolls for the use of the railway, not exceeding the following, that is to say—

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:

Tonnage on articles conveyed.

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, not exceeding One Shilling and Threepence per mile; and for any ton or fractional part of a ton beyond one ton, which any carriage may weigh, a sum not exceeding Eightpence per mile:

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

Tolls for passengers and cattle.

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

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

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 Halfpenny per mile.

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.

12. In the said toll shall be included the toll for the use of the carriages, and of the horses or other means used for propelling the carriages on the said railway, and no further charge than is heretofore stated shall be made therefor: Provided that nothing herein contained shall be construed to prevent an extra charge being made for the use of horses and carriages for special and express trains: Provided also, that nothing herein contained shall preclude private individuals from contracting with the said Commissioner for permission to use their own trucks or carriages upon the said railway.

Tolls to include use of motive power.

13. In

The Port Broughton Railway Act.—1873.

Regulations as to the
tolls.

13. 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 the said railway.

Weight, how deter-
mined.

14. The weight of all articles, except stone and timber, 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 hardwood, 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 less quantity than half a ton may be charged as half a ton.

Tolls for separate
parcels.

15. Notwithstanding the rate of tolls hereinbefore prescribed, the said Commissioner may lawfully demand the tolls following, for small packages and single articles of no great weight, that is to say—

For the carriage of 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:

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:

Provided 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.

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

16. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway 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 to the carriage thereof shall be Three Shillings per ton.

Goods, when to be
removed.

17. Owners or consignees of articles shall remove the same from the station or terminus of their destination on the said railway, within twelve working hours after their arrival there, unless such arrival shall be between the hours of four in the evening and seven in the morning,

The Port Broughton Railway Act.—1873.

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, 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.

18. 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. Passengers' luggage.

19. 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 from any lease of the said railway, shall be, from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said Province. Appropriation of tolls, rents, &c.

20. The said Commissioner shall, on or before the first day of August in every year, prepare an annual account in abstract of the total receipts and expenditure under authority hereof for the railway by this Act authorized to be constructed, from what source soever the same may be derived, for and during the past year ending the thirtieth day of June, 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 *Government Gazette*. Annual abstract of accounts to be published.

21. The railway 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.

22. The powers hereby vested in the said Commissioner for the compulsory purchase or taking of lands under and pursuant to the Act No. 6 of 1847 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.