



ANNO TRICESIMO

VICTORIÆ REGINÆ.

A.D. 1866-7.

No. 25.

An Act to authorize and provide for the construction of a Line of Tramway from Port Wakefield to Hoyle's Plains, Section 102, Hundred of Hall, to confer certain powers on the Commissioner of Railways, and also to provide for the improvement of Port Wakefield.

[Assented to, 11th January, 1867.]

WHEREAS it is expedient to provide for the construction of a line of tramway from Port Wakefield to Hoyle's Plains, Section 102, Hundred of Hall; and it is also expedient to provide for the improvement of Port Wakefield, as hereinafter mentioned: And whereas plans and sections of the tramway by this Act authorized to be constructed, showing the line and levels thereof, together with books of reference, have been prepared, and deposited in the office of the Surveyor-General, at Adelaide—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 Seventy-seven Thousand Pounds, for such amounts as he may deem expedient; and such bonds shall be in the form following, that is to say—

No.	£	No.	Form of bond.
	South Australian Government Revenue Securities.		
	(Port Wakefield to Hoyle's Plains Tramway.)		
	I, the Treasurer of the Province of South Australia,		
			in

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in consideration of the sum of Pounds, paid to me for the construction of the Port Wakefield and Hoyle's Plains Tramway, 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*, 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*]. *Principal* payable at the 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 Treasurer in South Australia.

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.

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 twenty-five years, and the time appointed for payment thereof shall not extend beyond forty-five years.

When payable.

Bonds to be sold.

3. The Treasurer shall cause every bond issued under this Act, to be sold for the best price, not being below par, that can be obtained for the same.

Application of moneys.

4. Out of the money raised and received by the Treasurer upon the security of the said bonds, a sum not exceeding Sixty-nine Thousand Two Hundred and Fifty-two Pounds shall be carried by the said Treasurer to the credit of the Commissioner of Public Works, as the Commissioner of Railways; and a sum not exceeding Seven Thousand Seven Hundred and Forty-eight Pounds shall be carried to the credit of the Commissioner of Public Works, to be by him expended in the improvement of Port Wakefield, as herein-after mentioned; and such sums of money respectively shall be paid by

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by the said Treasurer 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.

5. The said Treasurer shall, 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, and all interest thereon, shall have been duly paid, to set apart such 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.

Payment of principal and interest.

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

Incorporation of No. 6 of 1847.

7. The Commissioner of Railways may make and maintain a line of tramway from Port Wakefield to Hoyle's Plains, Section 102, Hundred of Hall, together with all proper works and conveniences connected therewith, as the same is delineated in the plans of the said railway, signed "W. Hanson, 12/12/66," and 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 such purpose.

Power to make tramway.

8. 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—A, F, G, H, I, J, L, N, Q, T, W, Y, AA, BB, CC, DD, EE.

List of crossings on the level.

9. The said Commissioner may stop and close, either wholly or in part, such of the roads shown upon the said plans, and marked respectively B, C, D, E, K, M, O, P, R, S, U, V, X, Z, 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 Lands Clauses Consolidation Act for determining the amount and application of any such 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 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.

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May 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," and the "Roads Amendment Act of 1863."

Gauge.

12. The gauge of three feet and six inches shall be the gauge to be used in the tramway by this Act authorized to be constructed: Provided that the Governor may alter the said gauge so as to bring the same into conformity with any gauge which may hereafter be adopted.

Tolls.

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

Tonnage on articles
conveyed.

- i. In respect of the tonnage of all articles conveyed upon the tramway, 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 tramway, 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 tramway 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 Halfpenny per mile.

Tolls to include use of
locomotive power.

14. In the said tolls shall be included the toll for the use of the carriages,

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carriages, and of the horses or other means used for propelling the carriages on the said tramway, 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 Commissioner for permission to use their own trucks or carriages upon the said tramway.

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 the said tramway; 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 less quantity than half a ton may be charged as half a ton. Regulations as to the tolls.

16. 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— Tolls for separate parcels.

For the carriage of small parcels on the tramway—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 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.

17. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said tramway and Commissioner to be entitled to receive fixed sum per ton for short distances.

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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 to the carriage thereof shall be Three Shillings per ton.

Goods when to be removed.

18. Owners or consignees of articles shall remove the same from the station or terminus of their destination on the said tramway, 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 tramway 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.

Power to lease Tramway.

20. The Commissioner of Railways shall have and exercise all the powers and authorities with reference to leasing the line of tramway hereby authorized to be constructed, and otherwise, as are conferred upon him by "The Railway Commissioner's Act," in respect to the undertakings therein mentioned.

Appropriation of tolls, rents, &c.

21. 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 tramway, 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 cost and charges of and attending the maintenance, working, and management of the said tramway, 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.

Improvement of Port Wakefield.

22. Out of the moneys by this Act authorized to be raised, the sum of Seven Thousand Seven Hundred and Forty-eight Pounds may be laid out and expended by the Commissioner of Public Works in and about such works as may be necessary for the purpose of deepening the channel from Port Wakefield to the sea, and in and about the erection of wharfs at the terminus of the said tramway in Port Wakefield aforesaid.

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23. 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 tramway by this Act authorized to be constructed, or for the improvement of Port Wakefield as hereinbefore mentioned, 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 *Government Gazette*.

Annual abstract of accounts to be published.

24. The Governor may from time to time, by warrant under his hand, 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 Seventy-seven 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 by him under the authority hereof.

Governor may advance moneys to be repaid.

25. The tramway 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.

26. This Act may be cited as "The Port Wakefield to Hoyle's Plains Tramway Act, 1866."

Short title of Act.

In the name and on behalf of the Queen, I hereby assent to this Act.

D. DALY, Governor.