



1855-6.

No. 27.

An Act to authorize the appointment of South Australian Railway Commissioners, and to vest in them the construction of the Adelaide City and Port Railway, and of the Adelaide and Gawler Town Railway, and to authorize the raising of a further sum of Thirty-six Thousand Pounds, for the completion of the Adelaide City and Port Railway.

[Assented to, June 19, 1856.]

WHEREAS, by a certain Act, No. 1 of 1851, "To authorize the appointment of Undertakers for the construction of the Adelaide City and Port Railway," certain persons were authorized to be appointed, in manner in the said Act specified, to be Undertakers for the construction, completion, and management of the Adelaide City and Port Railway: And whereas, by a certain Act, No. 18 of 1854, "To authorize the formation of the Adelaide and Gawler Town Railway, and to provide for raising the money required for that purpose," certain persons are authorized to be nominated by the Governor, in manner therein mentioned, to be Commissioners for the execution of such last-mentioned Act: And whereas, by a certain Act, No. 18 of 1853, "To authorize the raising of a sum of One Hundred and Fifty Thousand Pounds, for the construction of the Adelaide City and Port Railway; and to authorize the Undertakers to deviate from the original line of such Railway; and for other purposes therein mentioned;" provision was made for the raising of a sum of One Hundred and Fifty Thousand Pounds by means of bonds, to be issued as therein provided; and for the application of such sum to the purposes of the construction of the said railway; but such sum hath been found inadequate for such purpose, and an additional sum is required for the completion of the said railway: And whereas it is expedient that there should be only one Board, for the construction, completion, and management of the said

Preamble. 20/1 - 1857

20 18 - 1854

20 18 - 1853

said two railways; and that such Board should be appointed by, and responsible to, the Governor; and it is also expedient that a further sum of money should be raised by the issue of bonds, and should be paid to such Board, for the purpose of completing the said Adelaide City and Port Railway, and the branches thereof, as authorized by the said firstly-recited Act: Be it, therefore, enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council of the same, as follows:

Governor may appoint South Australian Railway Commissioners.

1. It shall be lawful for the Governor, with the advice of the Executive Council, by warrant under his hand, and the public seal of the said Province, to appoint three persons, not holding any other office under the Crown, with reasonable salaries, to be Commissioners, for the purposes of this Act, by the title of "South Australian Railway Commissioners;" and from time to time, with the like advice, to remove any of such persons from such office of Commissioner, and appoint another person in his place; and at all meetings of the said Commissioners, two shall form a quorum.

Commissioners to be Undertakers for Adelaide City and Port Railway, and Commissioners for Adelaide and Gawler Town Railway.

2. The said "South Australian Railway Commissioners" shall be the Undertakers for the construction, completion, and management of the said Adelaide City and Port Railway, in the place of the Undertakers by the said Act authorized to be appointed; and shall have, enjoy, and exercise all the rights, powers, and privileges, and be subject to and perform all the duties and obligations, by the said firstly-recited Act, or by any other Act or Ordinance of the Governor and Legislative Council of the said Province, given to, or vested in, or imposed upon, the said Undertakers by such firstly-recited Act authorized to be appointed; and shall also be Commissioners for the execution of the said Act, No. 18 of 1854, "To authorize the formation of the Adelaide and Gawler Town Railway, and to provide for raising the money required for that purpose," in the place of the Commissioners by the said Act authorized to be appointed; and shall have, enjoy, and exercise, all the rights, powers, and privileges, and be subject to and perform all the duties and obligations by such lastly-recited Act given to, or vested in, or imposed upon, the said Commissioners; excepting in so far as the same, or any of them, may be altered, modified, or affected, by the provisions hereof.

Commissioners to appoint officers.

3. The said "South Australian Railway 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 shall also, from time to time, at their discretion, dismiss and discharge such officers, or any of them, and appoint others in their place, subject to such approval as aforesaid.

Commissioners to sue and be sued in name of Secretary.

4. The said "South Australian Railway Commissioners" may sue and be sued in the name of their Secretary for the time being, and no

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* performance of his duties as such Commissioner or Secretary, 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.

5. The said "South Australian Railway Commissioners" shall, on or before the first day of February in every year, prepare separate annual accounts in abstract of the total receipts and expenditure of all funds raised or received for the purposes of each of the said undertakings, whether arising from loans, tolls, charges, or any other source, 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.

6. 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 Thirty-six 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 £36,000.

No.	£	No.	£	Form of bond.
		Adelaide City and Port 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 City and Port Railway, 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 Colonial Treasury in Adelaide, South Australia, or [in London or in any other agreed place],

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 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.

Bonds to bear interest at six per cent.

7. 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 time as may be specified or provided therein.

Moneys raised by bonds, how applied.

8. 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 said "South Australian Railway Commissioners," as such Undertakers for the construction, completion, and management of the said Adelaide City and Port Railway, 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.

£3,600 to be set apart annually for payment of principal and interest.

9. 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 Three Thousand Six Hundred 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.

Governor may advance moneys, to be repaid.

10. 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 Undertakers for the construction, completion, and management, of the Adelaide City and Port Railway, or to the said "South Australian Railway 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.

By-laws valid if signed by Chairman.

11. Any by-law made by the said Undertakers for the construction, completion, and management, of the Adelaide City and Port Railway, or the Commissioners for the construction of the Gawler Town Railway, or by the said "South Australian Railway Commissioners," by virtue of any authority them enabling in that

that behalf, shall be valid if signed by the Chairman for the time being of such Commissioners.

12. It shall be lawful for the said Undertakers, with the consent of the Governor, to increase the tolls now by law authorized to be demanded for the use of the said Railway, to any sum not exceeding the amounts mentioned in the Schedule hereunto annexed.

Undertakers may increase tolls.

13. The tolls to be demanded in respect of articles conveyed upon the Railway, shall, in the discretion of the said Undertakers, be estimated either according to the weight or the measurement of the articles so conveyed.

Tolls, how estimated.

14. That all the clauses of this Act which relate to the amalgamation of the Board of Undertakers of the City and Port Railway and the Commissioners of the Gawler Town Railway, shall not come into operation and effect until nine months after the passing of the said Act.

Amalgamation clauses not to take effect for nine months after passing of Act.

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15. In citing this Act, in other Acts and legal instruments, it shall be sufficient to describe it as "The South Australian Railway Act."

Short title of Act.

SCHEDULE REFERRED TO.

Passengers.	1st Class.	2nd. Class.	3rd. Class.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Between Adelaide and the Port	2 0	1 6	1 0
Between any two adjacent Stations	1 0	0 9	0 6
For any other distance	1 6	1 0	0 9