



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

# VICTORIÆ REGINÆ.

A.D. 1877.

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## No. 76.

*An Act to provide for the formation of a Line of Railway from Kadina to Wallaroo.*

[Assented to, 21st December, 1877.]

**W**HEREAS it is expedient to provide for the construction of a Preamble.  
Line of Railway from Kadina to Wallaroo: 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 offices of the Surveyor-General, at Adelaide, and signed "H. C. Mais, Engineer-in-Chief"—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 :

1. "The Lands Clauses Consolidation Act," and an Act, No. 26 Incorporation.  
of 1855-6, to amend "The Lands Clauses Consolidation Act," and "The Railways Clauses Consolidation Act," and an Act, No. 6 of 1858, to amend "The Railways Clauses Consolidation Act," so far as the same are severally applicable to this Act, shall be incorporated therewith, and the said Acts shall be read and construed together accordingly.

2. The Commissioner of Railways, hereinafter called "The said Commissioner," may make and maintain a line of railway, from Kadina to Wallaroo, together with all proper works and conveniences connected therewith, as the same is delineated in the said plans so deposited at the offices of the Surveyor-General, at Adelaide, Power to make Railway.

*Kadina and Wallaroo Railway Act.—1877.*

as aforesaid, or as may be delineated in any plans which may hereafter be so deposited, pursuant to any law for the time being in force respecting such deposit of the said plans.

Gauge.

3. 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 forty pounds to the yard.

Power of Commissioner.

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

Tolls.

I. In respect of the tonnage of all articles conveyed upon the said Railway, or any part thereof not in this Act otherwise particularly specified, 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 Railway, and not weighing more than one ton, carried or conveyed on a truck or platform, One Shilling and Threepence per mile; and for any ton or fractional part of a ton beyond one ton which any carriage may weigh, Eightpence per mile.

Tolls for passengers and cattle.

II. In respect of passengers and animals conveyed upon the said Railway 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, Fourpence per mile:

For every person conveyed in a second-class carriage or compartment, Threepence per mile:

For every horse, mule, ass, or other beast of draught or burden conveyed upon the said 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 said 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.

Tolls to include use of motive power.

5. In the said tolls shall be included the tolls for the use of the carriages, and of the engines 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 engines and carriages for special and express

*Kadina and Wallaroo Railway Act.—1877.*

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.

6. In addition to the prescribed toll 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. Regulations as to tolls.

7. 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 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. Weight how determined.

8. 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 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.

9. 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 Fixed sum per ton for short distances.  
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*Kadina and Wallaroo Railway Act.—1877.*

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.

10. 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, 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 every 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

11. Every passenger travelling upon the said 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 other passengers, without any charge being made for carriage thereof.

Appropriation of tolls, &c.

12. 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.

Annual abstract of accounts to be published.

13. 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 preceding 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*.

Commissioner may purchase property of Kadina and Wallaroo Railway and Pier Company (Limited), and may exercise powers of this Act thereover.

14. It shall be lawful for the said Commissioner, if he shall think fit, to purchase, and for the Kadina and Wallaroo Railway and Pier Company (Limited), if they shall think fit, with the consent of a special general meeting of the Company, to sell, for a sum not exceeding Ninety Thousand Pounds, all the lands, railways, jetty, wharf, rolling-stock, plant, and other real and personal estate at the time of such sale and purchase, belonging to the said Kadina and Wallaroo Railway and Pier Company (Limited): And upon the completion  
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*Kadina and Wallaroo Railway Act.—1877.*

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of such sale and purchase, all rights, privileges, and advantages granted by virtue of "The Wallaroo Railway Act," and "The Wallaroo Railway Amendment Act," to Apollos Harrison Gouge, his heirs, executors, administrators, and assigns, and now vested in the said Kadina and Wallaroo Railway and Pier Company (Limited), shall vest in, belong to, and be exercisable by the said Commissioner: Provided that it shall not be compulsory upon the said Commissioner to exercise such rights or privileges any further, or otherwise, than he shall think fit: And provided, also, that in the event of such sale and purchase being completed, the said Commissioner may, if he shall think fit, exercise all the rights, powers, and privileges vested in him by virtue of this Act, over and in respect of the land so purchased, as if the same were the land described in the said plans so deposited as aforesaid; and also over and in respect of the railways, jetty, wharf, rolling-stock, plant, and other real and personal estate so purchased, with full power, if he shall think fit, to alter the gauge of the railways already constructed on the land so to be purchased to the gauge of three feet six inches, or to maintain the same with the same gauge as at present: Provided, lastly, that nothing in this clause contained shall be construed to affect the powers by this Act conferred upon the Commissioner for making and maintaining the Railway by this Act authorized to be made according to the said plans.

15. The Railway by this Act authorized to be constructed, and the Railway hereby authorized to be purchased, after such purchase, shall be, and are hereby declared to be, exempt from all rates and taxes whatsoever, whether local or general. Exemption from rates.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.