



ANNO TRICESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1871.

No. 7.

*An Act to provide for the formation of a Line of Railway from
Lacepede Bay to Naracoorte.*

[Assented to, 23rd November, 1871.]

WHEREAS it is expedient to provide for the construction of a Preamble.
line of railway from the Township of Kingston, at Lacepede
Bay, in the Hundred of Lacepede, to the Township of Naracoorte,
in the Hundred of Naracoorte: And whereas plans of the railway
by this Act authorized to be constructed, showing the line thereof,
together with the book of reference thereto, have been duly pre-
pared, and deposited in the office of the Surveyor-General, at
Adelaide—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. This Act may be cited for all purposes as “The South-Eastern Short title.
Railway Act, 1871.”

2. “The Lands Clauses Consolidation Act,” No. 6 of 1847, and Incorporation.
“The Railways Clauses Consolidation Act,” No. 7 of 1847, so far as
the same are severally applicable to this Act, shall be incorporated
therewith, and this Act shall be read and construed accordingly.

3. The Commissioner of Railways may make and maintain a line Power to make rail-
way.
of railway from the Township of Kingston at Lacepede Bay in the
Hundred of Lacepede to the Township of Naracoorte in the Hun-
dred of Naracoorte, together with all proper works and conveniences
connected therewith, as the same is delineated in the plans of the

said

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said railway, signed H. C. Mais, Engineer-in-Chief, 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.

Gauge.

4. 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.

Maximum cost of construction.

5. The cost of constructing the said railway, including rolling-stock, shall not exceed the sum of One Hundred and Fifty Thousand Pounds.

List of crossings on the level.

6. The said Commissioner of Railways, in the construction of the railway 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, C, C₃, F, G, H, and K.

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 B, C₁, C₂, D, E, I, L, at the point 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 Lands Clauses Consolidation Act 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.

May have power of Commissioners under Road Act.

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 an Act, No. 17 of 1852, "For the making and improving of Roads in South Australia," and the "Roads Amendment Act, 1863."

Tolls.

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

Tonnage on articles conveyed.

i. In respect of the tonnage of all articles conveyed upon the railway,

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railway, 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 railway, 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 :

11. 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, 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.

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 Commissioner for permission to use their own trucks or carriages upon the said railway. Tolls to include use of locomotive power.

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 ; with respect to all articles, except stone and timber, the weight shall be determined according Regulations as to the tolls.

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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.

Tolls for separate parcels.

14. 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 small parcels on the railway — 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.

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

15. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway 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.

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

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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.

17. 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.

18. The Commissioner of Railways shall have and exercise all the powers and authorities with reference to leasing the line of railway 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. Power to lease railway.

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 to and 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 February, 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, 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 *South Australian Government Gazette*. Annual abstract of accounts to be published.

21. The railway 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.

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

JAMES FERGUSSON, Governor.