



ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

A.D. 1867.

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## No. 19.

*An Act to authorize and provide for the Construction of a Line of Railway from Mount Gambier to Narracoorte, and to confer certain Powers on the Commissioner of Railways.*

[Assented to, 19th December, 1867.]

**W**HEREAS it is expedient to provide for the construction of Preamble.  
a line of railway from Mount Gambier to Narracoorte:  
And whereas plans and sections of the railway 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. "The Railways Clauses Consolidation Act," and "The Lands Clauses Consolidation Act," shall be incorporated with and form Incorporation of general Ordinances.  
part of this Act.

2. The Commissioner of Public Works for the time being of the said Province, as Commissioner of Railways, may make and maintain a line of railway from Mount Gambier to Narracoorte, together with all proper works and conveniences connected therewith, as the same is delineated in the plans of the said railway, signed "H. C. Mais, 20-9-67," and deposited in the office of the Surveyor-General, at Adelaide, as aforesaid; and, for that purpose, Power to make railway.  
may

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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.

List of crossings on the level.

3. 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—AA, BB, CC, DD, EE, FF, GG, HH, II, KK, LL, MM, NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX.

Commissioner may stop roads.

4. The said Commissioner may stop and close, either wholly or in part, such of the roads shown upon the said plans, and marked respectively A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, A1, B1, C1, D1, E1, F1, G1, H1, I1, W1, 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.

5. 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 have power of Commissioners under Road Act.

6. 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.

7. The gauge of five feet and three inches shall be the gauge to be used in the railway 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 be adopted hereafter.

Tolls.

8. 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.

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.

For

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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.

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 Half-penny per mile.

9. In the said tolls shall be included the toll for the use of the carriages, and of the engines or other means used for propelling the carriages on the said railway, and that 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 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: And provided also, that any persons or corporations employing their own locomotive engines and carriages upon the said railway and branches, paying seventy per cent. of the tolls receivable or payable in respect of the goods and passengers conveyed or carried by such engines and carriages. Tolls to include use of locomotive power.

10. 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 Regulations as to the tolls.

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of the said railway; 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 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.

11. 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 Half-pence 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.

12. 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 of the carriage thereof, shall be Three Shillings per ton.

Goods when to be removed.

13. 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.

14. 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.

15. 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. Powers to lease railway.

16. 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 purpose of, in the first instance, defraying the cost and charges of and attending the maintenance, working, and management of the said railway, 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. Appropriation of tolls, rents, &c.

17. 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 received under authority hereof for the purposes of the railway by this Act authorized to be constructed, 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 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.

18. 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 Two Hundred and Seventy Thousand Pounds. Governor may advance moneys to be repaid.

19. 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.

20. This Act may be cited as the "Mount Gambier and Narracoorte Railway Act, 1867." Short title of Act.

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

D. DALY, Governor.