



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1864.

No. 20.

An Act to encourage the formation of Railways northwards from Port Augusta, or Port Paterson, with a Branch Line between those Ports.

[Assented to, 9th December, 1864.]

WHEREAS great public advantage would arise from the construction of railways northwards from Port Augusta or Port Paterson, with branches between those ports—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 :

Preamble.

1. It shall be lawful for the Governor, with the advice and consent of the Executive Council, within five years after the coming into operation of this Act, to enter into and conclude an arrangement with any person or company who may be willing to contract to construct a railway for the carriage of passengers and goods between Port Augusta or Port Paterson, and some point to be fixed as the terminus of such railway northwards, with a branch line between those ports if necessary, according to the terms and conditions herein set forth: Provided that, on entering into such agreement, the Governor shall take such security as to him may seem sufficient to insure that the same shall be duly carried into effect.

Governor may enter into agreement with any person or company for formation of railway.

2. The agreement, when duly executed, shall constitute the said person or company the promoter or promoters of the undertaking under this Act; and the promoter or promoters shall, within two years from the date of the said agreement, construct and open for public

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public traffic, and for the carriage of passengers and goods, at least twenty miles of the said railway, and shall, five years from the same date, construct and open for public traffic a railway for the carriage of passengers and goods from Port Augusta or Port Paterson to a point to be fixed upon, not less than one hundred miles north of Port Augusta or Port Paterson, as the case may be, with a branch connecting such ports, if agreed on; the termini and direction of such railway and branch to be more fully described in a plan to be deposited in the office of the Surveyor-General, and approved of by the Governor, prior to the time of making the said agreement.

Construction of
railway.

3. The rails to be used in the construction of the said railway shall be of iron, and of the weight of not less than thirty-five pounds to the yard; the propelling power shall be horse power or locomotive engines; the said person or company shall provide passenger trains in sufficient number for ordinary traffic to travel along the railway, from one end to the other of the line, at least twice every week, at the rate of not less than eight miles an hour for the whole distance travelled, including stoppages (luggage trains excepted); there shall also be two weekly trains for goods through the whole line.

Public mails, &c.

4. The said person or company shall be bound to provide conveyances for, and convey all military, police, and other forces, when proceeding on duty, and all public mails and public stores, or stores belonging to a public department, in the ordinary trains free of charge, subject in other respects to the "Railways Clauses Consolidation Act," No. 7 of 1847; and, in the event of war or civil commotion, the said person or company shall, on the requisition of the Governor, place the whole of the resources of the railway at his disposal at the charges actually incurred.

Electric telegraph.

5. The Governor or such person as shall be duly authorized for that purpose shall have power at all reasonable times to enter into and upon the said railway, and to establish and lay down a line of electrical telegraph for Her Majesty's Service, and to use the same without any charge: Provided that the work to be done in laying down such line shall be done in such a manner as not to obstruct the working of the railway.

Railway to be kept in
efficient repair.

6. The said person or company shall be bound at all times to keep the said railway, and branches, and whole undertaking in good and efficient repair and working condition; and in case it shall appear to the Governor, upon the report of any inspector, appointed pursuant to the "Railways Clauses Consolidation Act," No. 7 of 1847, that the works in any part are not in good and efficient repair and working condition, it shall be lawful for the Governor, after such notice as to him shall seem fit and proper, and on default by the said person or company to direct the necessary repairs and works to be performed at the cost of the said person or company, by persons to be appointed by the Governor in that behalf, and the cost of executing such repairs and works, and all charges connected therewith, shall and may be recovered

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recovered from the said person or company, at the suit of the Crown, before any competent jurisdiction, in like manner, and by such means as any person aggrieved or otherwise authorized to sue for damages or penalties might employ under the provisions of the said Act.

7. The said person or company shall be entitled to a grant of the land traversed by the said railway for a breadth of two chains; and, further, to grants of blocks of land equal to four square miles for every mile in length traversed by the said railway, in contiguity with the land granted for the said line of railway; each block of land not to exceed twenty square miles in area, and to be in the form of a rectangular parallelogram, no side of which shall be of greater length than twice the length of the shortest side, and such blocks shall be taken by the said person or company on each side of the railway alternately, and there shall be reserved to Her Majesty, Her heirs and successors, on the side of the railway opposite to each block selected by the said person or company, a block of at least equal dimensions to that selected by the said person or company, such reserved blocks to be subject to the laws relating to the Waste Lands of the Crown in the said Province: Provided that all necessary roads, water reserves, and crossings shall be reserved and kept open over and through the said railway and lands at distances not more than five miles apart, for the whole length of the said railway; such crossings to be not less than three chains in width throughout the entire width of land granted; and subject to the above provisions the said person or company shall be entitled to grants of land to the extent of sixty square miles on the completion of every twenty-five miles of the said railway; but the person or company shall not be entitled to any land in any Government township, except for the purposes of the said railway; and the Governor may grant any land at Port Augusta and Port Paterson to the said person or company, provided that it shall not be more than the Governor shall consider sufficient for the purposes of the said railway: Provided that it shall not be lawful for the person or company aforesaid to receive a grant of land upon which, prior to the agreement for construction of the railway, any improvements may have been made unless upon the terms that the same shall be paid for by the person or company receiving such grant, at a price to be fixed by the Surveyor-General.

Grant of lands adjacent to railway to be made to any person or company.

8. Before granting any land to the said person or company all reserves and crossings shall be marked out on the ground by such person as shall be duly authorized for that purpose.

Reserves to be marked before grant.

9. The "Railways Clauses Consolidation Act," No. 7 of 1847, and the Lands Clauses Consolidation Act," shall be incorporated with and form part of this Act, so far as applicable to the same.

Incorporation of Ordinances.

10. The Governor, with the advice and consent of the Executive Council, may, on breach of any of the conditions, provisions, or stipulations,

On breach of agreement, same may, on address of Parliament, be determined, and railway, &c., resumed.

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stipulations, of the said agreement, or of this Act, on address of both Houses of Parliament, declare the said agreement to be absolutely determined, and thenceforth the said railway, and all works connected therewith, shall be forfeited to Her Majesty, Her heirs and successors; or in lieu thereof the Governor may impose a penalty on the said person or company, on the address of both Houses of Parliament, to such an amount as by such address may be suggested.

Short title.

11. This Act may be cited as “The Port Augusta and Northern Railway Act, 1864.”

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

D. DALY, Governor.