



1853.

No. 18.

An Act 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.

See Act No. 27.

[Assented to, December 9, 1853.]

WHEREAS, by an Act of the Governor and Legislative Council of the Province of South Australia, No. 1 of 1851, to authorize the appointment of Undertakers for the City and Port Railway, it was among other things enacted, that it should be lawful for the Governor and Legislative Council in manner therein specified, to appoint certain persons to be Undertakers for the construction, completion, and management of the Adelaide City and Port Railway, and that all rights, powers, and privileges, by the "Adelaide City and Port Railway Act" given to, and all duties and obligations thereby imposed upon, the Adelaide City and Port Railway Company, so far as the same should relate to the construction or completion of the said Railway should be enjoyed and exercised by and vested in, and binding upon such Undertakers: And whereas, also, by an Act of the said Governor and Council, No. 12 of 1852, to provide for the raising of a sum of Sixty Thousand Pounds, under the authority of the Undertakers for the City and Port Railway, and for the purpose therein named, it was amongst other things enacted, that it should be lawful for the Treasurer of the Colony for the time being, as he should be required by the said Undertakers, to issue bonds to an amount not exceeding in the aggregate the sum of Sixty Thousand Pounds, to be applied in construction of the works authorized by the said firstly recited Act: And whereas, in consequence of the great advance in the wages of labor and in the price

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of articles to be used in the construction of the said Railway, the sum of Sixty Thousand Pounds by the said last recited Act authorized to be raised, is not sufficient for the purposes to which the same is to be applied, and it is expedient to authorize the raising of a sum of One Hundred and Fifty Thousand Pounds for such purposes, and it is also expedient to authorize certain deviations to be made from the line sanctioned by the said "Adelaide City and Port Railway Act"—Be it enacted by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council of the same, as follows:

"Same" what?

Treasurer to issue bonds to the amount of £150,000.

Form must at all times be a legal form consistently with this Act of 1852. Why should not this Sec. be stated in the Act of 1852? It would bear a more direct S. 1. of the Act of 1852?

1. It shall be lawful for the Treasurer aforesaid, as he may be required by the said Undertakers, to issue bonds for the respective amounts in the said lastly recited Act specified, in such form as may be approved by the Governor in that behalf, to an amount not exceeding in the aggregate the sum of One Hundred and Fifty Thousand Pounds, by the said Act authorized, and to pay over the money raised by means of such bonds to the said Undertakers, to be by them employed in the construction of the works authorized by the said firstly recited Act, No. 1 of 1851, as modified by the provisions hereinafter contained.

£7,500 and £15,000 to be set apart by the Colonial Treasurer and appropriated out of the General Revenue, instead of £2,000 and £6,000.

What period annually is this mean the same as are mentioned in Act of 1852. It should be if the same days then first appropriated to on the 1st Jan'y 1854. It being the first of days must after the passing of this Act in 1852. Therefore any m^y has been spent to the whole of £7,500 and then set apart though same is borrowed.

2. Instead of the sum of Three Thousand Pounds, by the said lastly recited Act, No. 12 of 1852, authorized to be set apart half yearly by the Colonial Treasurer, there shall be set apart by the said Colonial Treasurer half yearly, a sum of Seven Thousand Five Hundred Pounds, and instead of the sum of Six Thousand Pounds by such Act directed to be annually appropriated from the General Colonial Revenue, the sum of Fifteen Thousand Pounds shall be so annually appropriated, and all the provisions of such lastly recited Act as to the application of the said respective sums of Three Thousand and Six Thousand Pounds, and as to the payment of interest and redemption of moneys borrowed shall apply to the said respective sums of Seven Thousand Five Hundred Pounds and Fifteen Thousand Pounds, and to the moneys to be raised under the authority hereof: Provided that no money shall be raised under the authority of this or the last-mentioned Act at a rate of interest exceeding six per cent. per annum upon the amount so raised.

Governor may advance moneys in anticipation of loan.

3. It shall be lawful for the Governor from time to time, before any money shall have been raised by the Colonial Treasurer by the issue of such bonds as aforesaid, by warrant under his hand, to authorize the said Colonial Treasurer from time to time, to advance and pay to the said Undertakers, out of the General Revenue of the said Province, such sums of money as shall not exceed the sum of One Hundred and Fifty Thousand Pounds, to be by the said Undertakers applied in the manner hereinbefore prescribed, with regard to the sum authorized to be raised by the issue of bonds; and in the event of any money being so advanced and paid, then any moneys to be raised by the issue of such bonds shall, in the first instance, be applied in the repayment thereof.

4. It

4. It shall be lawful for the said Undertakers, and they are hereby required to construct the said Railway, and the branches and works thereof, according to the plans of the said Railway, signed by the Speaker of the Legislative Council, and deposited with the Surveyor-General, and the termini set forth in such plans shall be the termini of the said Railway, in the place of the termini prescribed by "The Adelaide City and Port Railway Act;" and all the powers and authorities of "The Adelaide City and Port Railway Act" and of "The Lands Clauses Consolidation Act" shall apply to the line of Railway and branches as shewn by such plans, and to all the lands affected thereby, and to the owners and occupiers of such lands, in the same manner as though such plans had been directly referred to in "The Adelaide City and Port Railway Act," instead of the plans therein specified and referred to, and such powers may be exercised at any time previously to the period fixed for the completion of the said undertaking.

Railway to be constructed according to plans signed by Speaker.

when? before or after act passed?

5. The gauge of the said railway shall be five feet and three inches instead of four feet eight inches and a half as enacted by the said "Adelaide City and Port Railway Acts:" Provided that it shall be lawful for the said Undertakers, with the consent of the Governor, to alter the said guage so as to bring the same into conformity with any guage which may be adopted in the neighboring Colonies.

whether this period 5 years from 25 Sept 18

25 Sept 18
Gauge to be 5 feet 3 inches.

Power to alter same.

6. Subject to the provisions in the "Railways Clauses Consolidation Act" in reference to the crossing of roads on a level, it shall be lawful, for the Undertakers in the construction of the said Railway and branches, to carry the same on the level across the several roads lettered on the plan hereinbefore mentioned, as follows, that is to say—A, B, C, D, E, F, and G; and the said Undertakers shall not be required to keep open any roads, streets, or footpaths, excepting those designated by the above letters: Provided that the said Undertakers shall construct convenient footways under the railway, at the points marked Y and Z, so as to keep up a safe communication between those portions of the Townships of Bowden and Brompton, which will be separated by the said railway: Provided also, that a bridge for the passage of carts to and from the River Torrens, having a clear headway of eight feet and a width of twelve feet, shall be made under the railway, at the point marked X on the plan, and that the road, commonly called the Yatala Road, shall be diverted, as shown upon the plan, at M, so as to lead to the level crossing at G.

Roads may be crossed on a level.

which plan?

marked when of...

7. It shall be lawful for the Undertakers, with the consent of the Governor, signified in writing under his hand, to increase the tolls for for the use of the railway, by "The Adelaide City and Port Railway Act" authorized to be demanded, in respect of the transit of all articles conveyed upon the railway, to One Shilling per ton per mile; and it shall not be incumbent upon the said Undertakers to deliver goods and merchandize to be delivered in Adelaide

Tolls may be increased with consent of Governor.

at

at any other level than that of the terminus of the said railway, as shown by the said plans hereinbefore referred to.

Repeal of part of
Adelaide City and
Port Railway Act.

8. So much of the Adelaide City and Port Railway Act as provides that between the termini of the line and the wharfs, the Railway Company shall provide conveyance of goods at the same charges as on the railway; and that any proprietor or occupier laying down sufficient and proper rails over his wharf, shall be entitled to have the Company's carriages run upon such rails, shall be, and the same is hereby repealed.

Goods trains may
travel at a less speed
than fifteen miles.

9. It shall be lawful for the said Undertakers, with the consent of the Governor, to regulate and prescribe the speed of trains, not being passenger trains, although the rate so prescribed shall be less than fifteen miles in the hour.