



ANNO NONO

# EDWARDI VII REGIS.

A.D. 1909.

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## No. 993.

An Act to provide for the Construction of a Railway from Goodwood to Willunga, and for other purposes.

*[Assented to, December 11th, 1909.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Goodwood to Willunga Short title. Railway Act, 1909."

2. The District Councils Act, the Municipal Corporations Act, Incorporation with other Acts. and the Acts mentioned in the First Schedule, so far as the same are severally applicable, are incorporated with this Act.

3. In this Act, except where the subject-matter, or context, or Interpretation. any other provision of this Act requires a different construction—

"Commissioner" means the South Australian Railways Commissioner:

"Cost of the railway" means and includes—

- i. The cost of constructing the railway and all proper works and conveniences connected therewith or for the purposes thereof:
- ii. The cost of purchasing or otherwise acquiring the land required for the railway and such works and conveniences, and of compensating persons interested in such land or injuriously affected by the construction of the railway and such works and conveniences:
- iii. The

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iii. The cost of such additional rolling-stock (if any) as is considered requisite for working the railway; and

iv. Other incidental expenses (if any) in respect of the above-mentioned matters:

“Council” means a District Council or Municipal Council whose district or municipality, or part of whose district or municipality, is included in the Railway District:

“District” means the district under the jurisdiction of a District Council or the municipality under the jurisdiction of a Municipal Council:

“Gazette” shall mean *The South Australian Government Gazette*:

“Ratepayer” means a ratepayer within the meaning of the District Councils Act or the Municipal Corporations Act:

“The District Councils Act” means “The District Councils Act, 1887,” and all Acts amending that Act, or any Act substituted for that Act, and all Acts amending such substituted Act:

“The Municipal Corporations Act” means “The Municipal Corporations Act, 1890,” and all Acts amending that Act, or any Act substituted for that Act, and all Acts amending such substituted Act:

“The Railway” means the railway to be constructed in pursuance of this Act:

“The Railway District” means the Railway District constituted by this Act:

“Year” means a period of twelve months ending on the thirtieth day of June.

Power to construct the railway.

4. Subject to the provisions hereafter in this Act contained, the Commissioner may construct and maintain—

(a) A railway from Goodwood to Willunga, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, in Adelaide, signed Walter Rutt, Chief Engineer for Railways, and dated the twenty-seventh day of October, one thousand nine hundred and nine, and in the plan in the Fifth Schedule, or as the said railway is delineated in any plans so deposited after the passing of this Act pursuant to any law for the time being in force as to the deposit of such plans; and

(b) All proper works and conveniences connected with, or for the purposes of, the said railway, or the said railway and any existing railway;

Provided that in case the Houses of Parliament are not sitting when any plans and books of reference are deposited in the office of the Surveyor-General under section 9 of “The Railway Clauses Act, 1876,” the Commissioner may make deviations under the said section before

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before causing copies of the plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament within fourteen days after the next sittings of such Houses respectively.

5. The Commissioner shall call for tenders for the construction of the railway, to be sent in within such time, to such place, and to be upon such terms, conditions, and provisions as he deems advisable, and may accept or reject any tender.

Tenders to be called for.

6. The Commissioner may construct the railway although no tender for the construction thereof has been accepted.

Power to construct railway though no tender accepted.

7. The gauge of the railway shall be five feet three inches, and the rails to be used in the construction thereof shall be of iron or steel, and of the weight of not less than sixty pounds to the yard.

Gauge, &c., and cost of railway.

8. The Commissioner may demand for the use of the railway, and in respect thereof, and for the carriage of goods and passengers thereon, and for the loading and unloading of goods, such fares, tolls, charges, and rates as are from time to time fixed by the Commissioner, in manner prescribed by any Act or Acts under which the Commissioner may fix fares, tolls, charges, and rates in respect of the railways under his control.

Fares, tolls, and charges.

9. Subject to the provisions of this Act, all fares, tolls, rents, dues, charges, rates, and sums of money which are received and levied under authority of this Act shall be paid, in such manner as is prescribed by the Governor, to the Treasurer of the said State for the public purposes of the said State.

Appropriation of fares, tolls, &c.

10. The land situated within the area defined in the plan in the Fifth Schedule and enclosed by the outer edge of the blue line shown on such plan, is hereby constituted a Railway District for the purposes of this Act, and shall be called "The Willunga Railway District."

Constitution of "The Willunga Railway District."

11. Within three months from the passing of this Act the question whether the railway shall be constructed in pursuance of this Act shall be submitted by each Council to a poll of the ratepayers who are assessed in respect of such of the land included within the Railway District as is situated within the district of such Council: Provided that a poll in pursuance of this section shall be valid although taken after the expiration of the said three months.

Questions to be submitted to poll of ratepayers.

12. Every poll of ratepayers under this Act shall be taken by ballot, and the following provisions shall be observed in each district:—

Provisions for poll.

1. The Council shall appoint a Returning Officer for the purpose of the poll, who shall, *mutatis mutandis*, have all the

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the powers conferred by the District Councils Act, or the Municipal Corporations Act (according to whether the poll is held in a District Council District or a Municipality) and all the powers conferred by "The Ballot Act, 1862," and any Act amending that Act, on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll in the district:

- ii. The Council shall appoint a polling-place in the district for such poll, and where the district is divided into wards shall appoint a polling-place in each ward which is included, or part of which is included, in the Railway District:
- iii. The Council shall, not less than ten days before the day fixed for the poll, cause a notice stating—
  - (a) The day fixed for the poll:
  - (b) The polling-place appointed for the district, or the polling-places appointed for the several wards:
  - (c) The name and address of the Returning Officer; and
  - (d) The hours of polling,
 to be inserted in at least two newspapers circulating in the district, and to be given in such (if any) other ways as the Council deems expedient:
- iv. The Returning Officer, if it appears to him expedient, may cause booths to be erected, or rooms to be hired and used as booths for the purpose of the poll, at the several polling-places in the district; and the same shall have such separate voting compartments as the Returning Officer deems most convenient, constructed so as to screen the voters from observation while they mark their voting papers:
- v. The Returning Officer, before the day fixed for taking the poll, shall cause to be furnished for use at the polling-place a copy of the assessment-book of the Council, or, if the district is divided into wards, shall cause to be furnished for use at the polling-place in each ward in which the poll is to be taken, a copy of such portion of the assessment-book as relates to land within the ward; and in such copy he shall indicate what ratepayers are entitled to vote at the polling-place for which it is furnished, and the number of votes to which each ratepayer is entitled; and he shall certify each such copy as correctly indicating the ratepayers who are entitled to vote at the polling-place and the number of votes to which they are respectively entitled, and shall sign such certificate:
- vi. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present

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present in the polling-booth at seven o'clock in the afternoon have had an opportunity of voting, and shall then close; in any dispute as to time the decision of the Returning Officer or his deputy shall be final:

- vii. Two scrutineers, to be present at the voting at each polling-place, shall be appointed by the Council:
- viii. The ratepayers entitled to vote are those whose names appear in the assessment-book in respect of such of the land included within the Railway District as is situated within the district:
- ix. Each ratepayer entitled to vote may vote on a scale according to the amount of the value at which he is assessed in the assessment-book in respect of land included in the Railway District, as follows:—Not exceeding Twenty-five Pounds, one vote; exceeding Twenty-five Pounds but not exceeding Thirty-five Pounds, two votes; exceeding Thirty-five Pounds, but not exceeding Forty-five Pounds, three votes; exceeding Forty-five Pounds but not exceeding Fifty-five Pounds, four votes; exceeding Fifty-five Pounds, but not exceeding Sixty-five Pounds, five votes; exceeding Sixty-five Pounds, six votes. No person shall have more than six votes; and, except as by this section provided, no person shall have more than one vote. For the purposes of this section, where land included in the Railway District and other land are assessed together in the assessment-book, the Council shall determine how much of the assessment is in respect of the land so included, and such determination shall, for the said purposes only, be final:
- x. In case joint tenants or tenants in common are assessed in respect of any land the assessed value of the land shall be divided by the number of joint tenants or tenants in common, and the quotient (ignoring any remainder) shall, for the purposes of paragraph ix. of this section, be deemed to be the value at which each of such joint tenants or tenants in common is assessed in respect of such land:
- xi. When a ratepayer's name appears in the assessment-book in respect of land included in the Railway District in one ward and also in respect of land so included in another or other wards, the assessed values of all such lands shall be added together for the purpose of computing the number of votes to which he is entitled, and he shall be indicated as entitled to vote on the copy of portion of the assessment-book furnished for the polling-place in each of such wards, but he shall vote at one polling-place only:
- xii. Both the owner and the occupier of any ratable property may vote in respect thereof, but no person shall vote both as owner and as occupier in respect of the same property:

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xiii. No person shall vote more than once, or at more than one polling-place :

xiv. Every voting paper shall bear the initials of the Returning Officer or his deputy on the back thereof, and shall have the following sentences on the face thereof:—

“I approve of the Willunga Railway being constructed in pursuance of “The Goodwood to Willunga Railway Act, 1909.”

“I object to the Willunga Railway being constructed in pursuance of “The Goodwood to Willunga Railway Act, 1909”;

and shall also have a square printed opposite each such sentence; and nothing else, except the cross indicating the vote, shall be inserted in or placed on any voting-paper. Any voting-paper not complying with this subdivision shall be informal :

xv. Every person entitled and desiring to vote shall present himself to the Returning Officer, or his deputy, at the polling-place for the district or for the ward in which he claims to vote, and shall state his Christian name and surname, abode, profession or occupation, the nature of his qualification, and the place where the property in respect of which he claims to vote is situate. The Returning Officer, or deputy, shall thereupon place a mark against the voter's name on the copy of the assessment-book or of portion thereof in use at the polling-place, and hand such voter a voting-paper for every vote to which he is entitled :

xvi. Upon receiving his voting-paper or papers the voter shall without delay—

(a) Retire alone into some unoccupied voting compartment of the booth, and there in private indicate his vote or votes by making a cross having its point of intersection within the square on his voting-paper, or on each of his voting-papers, opposite the sentence which expresses his wish ; and

(b) Fold the voting paper or papers so as not to show in what way the vote or votes have been given, but to show the initials of the Returning Officer, or deputy, and exhibit it or them so folded to the Returning Officer, or deputy, and then without unfolding, deposit it or them in a ballot box to be provided by the Returning Officer for that purpose :

No voting paper so deposited shall on any account be taken from the ballot box except in the presence of scrutineers after the poll.

xvii. If

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- xvii. If any voter satisfies the Returning Officer, or deputy, that he is unable to vote without assistance, the Returning Officer, or deputy, shall permit any person appointed by such voter to accompany him into the voting compartment and to mark, fold, and deposit his voting paper or papers for him :
- xviii. The only persons who shall be allowed to remain in the polling-booth shall be the persons about to vote, the Returning Officer, his deputy, and the scrutineers :
- xix. Any voter who wilfully infringes any of the provisions of this section, or obstructs the voting by any unnecessary delay in performing any act within the polling-booth, shall be guilty of a misdemeanor :
- xx. No inquiry shall be permitted at the poll as to the right of any person to vote, except as follows, that is to say :—The Returning Officer, or his deputy, may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :
- (1) Are you the person whose name appears as [stating the name] and as the owner (*or* occupier) of the property set opposite such name in the assessment-book now in force for this District (*or* Municipality) ?
  - (2) Have you already voted at the present poll ?
  - (3) Are you the owner (*or* the occupier) within the meaning of the District Councils Acts (*or* the Municipal Corporations Acts) of the property in respect of which you now claim to vote ?
- Provided that the Returning Officer or deputy may, by reference to the copy of the assessment-book or of portion thereof or otherwise, give any information necessary to explain any of the said questions :
- xxi. No person shall be entitled to vote unless his answer to the first and third questions, or such of them as is put to him, is in the affirmative, and to the second, if put, is in the negative ; and any person who wilfully makes a false answer to either of such questions shall be guilty of a misdemeanor :
- xxii. Every person who votes a second time, or offers to vote a second time, at the poll, or who personates any other person for the purpose of voting at the poll, shall be guilty of a misdemeanor :
- xxiii. The Returning Officer, or deputy, shall, before any vote is taken, exhibit the ballot box empty ; and shall, at the close

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close of the poll, publicly close, fasten, and seal the ballot box containing the voting papers which have been taken at the voting place at which he presided, and shall also allow any scrutineer so desiring to seal the same; and each deputy shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer. Any Returning Officer, or deputy, who unlawfully tampers with any ballot box or voting paper shall be guilty of a misdemeanor:

xxiv. At the close of the poll the Returning Officer shall fix a time, which shall be as soon as conveniently may be, and a place, for examining the votes and declaring the result of the poll, and shall at such time and place, in the presence of one at least of the scrutineers and of as many more of them as choose to be present—

- (a) Open all the boxes containing voting papers deposited by voters at the taking of the poll at the several voting places:
- (b) Examine all such voting papers and reject all such as are informal as above mentioned, or contain crosses against both of the above sentences; and
- (c) Ascertain, from the voting papers not so rejected, the total numbers of votes given in favor of the respective sentences.

The Returning Officer shall then openly declare the said numbers and declare the result of the poll:

xxv. All voting papers shall be preserved by the Returning Officer until the expiration of three months after the declaration of the result of the poll.

Any person guilty of a misdemeanor under this section shall be liable to be imprisoned for a term not exceeding six months.

Certificate of result of poll.

13. The result of each poll shall be embodied in a certificate under the hand of the Returning Officer who presided thereat in the form of the Second Schedule, or in a form to the like effect. Each such certificate shall be published in the *Gazette*, which shall, after the expiration of three months from the declaration of the result of the poll, be conclusive evidence of such result and of the validity of the poll and the performance of all conditions precedent thereto.

Order for construction of railway in pursuance of this Act.

14. If the aggregate result of the polls is that two-thirds or more of the votes given at such polls are in approval of the railway being constructed in pursuance of this Act, the Governor may make an order that the railway shall be constructed in pursuance of this Act, and such order shall be published in the *Gazette*. The railway shall not be constructed unless or until such order is so published.

15. Notwithstanding



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**15.** Notwithstanding any thing in any of the Acts incorporated with this Act, whenever the Commissioner desires to purchase or take any land for the purposes of this Act, and the price to be paid therefor, and the compensation (if any) to be made in consequence of the taking thereof, are not determined by agreement in writing, signed by or on behalf of the owner of such land and the Commissioner, within twenty-one days after the Commissioner has given notice to such owner, as required by section 18 of "The Lands Clauses Consolidation Act," that he requires to purchase or take such land, such price and compensation (if any) shall be determined in the following manner:—

Method of determining purchase-money and compensation for land taken.

- i. The Commissioner may give notice in writing to such owner of his intention to have the price and compensation (if any) settled by arbitration, and may, by the same or a subsequent notice in writing to such owner, nominate and appoint an arbitrator to act in the reference on behalf of the Commissioner :
- ii. Such owner may, within twenty-one days after the giving of such notice appointing an arbitrator, give notice in writing to the Commissioner agreeing that such arbitrator shall be sole arbitrator, or nominating and appointing another arbitrator to act in the reference on behalf of such owner :
- iii. Each such notice nominating and appointing an arbitrator, or agreeing to the appointment of a sole arbitrator, shall be deemed a submission to arbitration on the part of the party by whom the same is given ; and after the giving of any such notice neither party shall have power to revoke the appointment thereby made or such submission without the consent of the other party, nor shall the death of either party operate as a revocation :
- iv. Unless such owner, within twenty-one days after the giving by the Commissioner as aforesaid of notice nominating and appointing an arbitrator, gives notice to the Commissioner, as provided by paragraph ii. hereof, agreeing that such arbitrator shall be sole arbitrator or nominating and appointing another arbitrator, the Commissioner may appoint the arbitrator nominated and appointed by him to act on behalf of both parties ; and such arbitrator shall proceed to hear and determine the matter and shall give his award determining the price and compensation (if any) to be paid :
- v. All the provisions of sections 26 to 35 inclusive, of "The Lands Clauses Consolidation Act" shall, *mutatis mutandis*, apply with respect to the determination of the said price and compensation :
- vi. No notice, appointment, or award made under this section shall be set aside or be invalid for irregularity or error in matter of form :

vii. Every

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- vii. Every award under this section of arbitrators, or of a single arbitrator (in a case where it is agreed, as mentioned in paragraph ii. hereof, that an arbitrator shall be the sole arbitrator, or where a single arbitrator is empowered by this section to give an award), or of an umpire, shall be final: Provided always that where an arbitrator or umpire has misconducted himself the Court may remove him, and that where an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside. "Court" in this paragraph means the Supreme Court or a Judge thereof:
- viii. A submission to arbitration under this section shall have the same effect as if it had been made an order of the Supreme Court; and an award under this section may, by leave of the Supreme Court or a Judge thereof, be enforced in the same manner as a judgment or order of the said Court to the same effect:
- ix. The provisions of sections 19 and 20 of "The Lands Clauses Consolidation Act" as to the service of notices shall apply to notices under this section:
- x. In this section the word "owner" includes any person having any estate or interest in the land in question, or by "The Lands Clauses Consolidation Act" enabled to sell and convey the same, and the word "land" includes any estate or interest in the land in question:
- xi. Sections 22 to 25 inclusive, sections 38 to 62 inclusive, and sections 64 to 68 inclusive of "The Lands Clauses Consolidation Act," section 6 of the Act No. 26 of 1855-6, being an Act to amend the "Lands Clauses Consolidation Act," and sections 5 to 11 inclusive of the "Lands Clauses Consolidation Amendment Act, 1881," shall not apply with respect to the determination of the said price and compensation.

Statement of cost of railway to be published in *Gazette*.

**16.** A statement of the cost of the railway shall, within a reasonable time after the completion thereof, be published by the Commissioner in the *Gazette*, which shall be conclusive evidence of the cost of the railway.

Constitution of fund.

**17.** All moneys received in respect of goods carried on the railway shall be carried by the Commissioner to a fund to be constituted for the Railway District, and to be called "The Willunga Railway District Fund."

Half of receipts for goods carried on other lines of the railway to go to fund.

**18.** When in the course of the same journey goods are carried partly on the railway and partly on another or other railways in the said State, one half of the moneys received for the carriage thereof on such other railway or railways shall also be carried by the Commissioner to the said fund.

**19.** Full

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**19.** Full and separate accounts shall be kept by the Commissioner of the receipts and working expenses in respect of the railway for each year, and an abstract of such accounts shall be published by the Commissioner in the *Gazette* within three months after the end of the year.

Separate accounts of railway.

**20.** The working expenses of the railway, which shall be a first charge upon the said fund, and interest at the rate of four per centum per annum on the cost of the railway, shall be paid out of the said fund.

Working expenses and interest to be paid out of fund.

**21.** If in any year the amount standing to the credit of the said fund is not sufficient to pay the working expenses of the railway and interest at the rate of four per centum per annum on the cost of the railway, the deficiency (if any) in respect of the working expenses shall be made good by the Commissioner, and the deficiency in respect of interest shall be made good by the Councils respectively in manner hereinafter provided.

Deficiency, if any, how made good.

**22.** Whenever any sum is required from the Councils to make good a deficiency in respect of interest under section 21—

Commissioner to make requisitions.

- i. Each of the Councils shall, within one month after being requested so to do by the Commissioner, furnish to him a certificate under the hand of the chairman (*or* mayor) of the Council showing the assessed value of all the ratable property in its district which is included in the Railway District:
- ii. For the purposes of this section, where ratable property included in the Railway District and other ratable property are assessed together, the Council shall determine how much of the assessment is in respect of the property so included; and if the Council fails to make such determination within the month mentioned in paragraph i. of this section the Commissioner may make such determination; and such determination of the Council or the Commissioner shall, for the purposes of this section, be final and be regarded as part of the Council assessment for the time being in force:
- iii. The Commissioner shall apportion the sum required between the Councils in proportion to the assessed values, according to the Council assessments for the time being in force, of the ratable property included in the Railway District which is situated in the districts of the several Councils; and shall forward to the clerk of the district of each Council a requisition under the hand of the Commissioner for the proportion of the required sum charged to such Council according to the Commissioner's apportionment:
- iv. Every such requisition shall be published in the *Gazette*, which shall be conclusive evidence of the validity of the requisition,

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requisition, and the correctness of all amounts therein stated, and of the due performance of all conditions precedent thereto, and all conditions precedent to the declaring of a rate under the provisions hereinafter contained.

Council to declare rate.

**23.** Upon any such requisition being so forwarded, the Council concerned shall forthwith declare a rate sufficient to produce the sum required by the requisition.

Railway rate, how to be declared.

**24.** Such rate shall be called a railway rate, and shall be declared on the assessment then in force and on the ratable property situated in the district which is included in the Railway District.

Use or transcription of existing assessment-book.

**25.** For the purposes of such rate the Council may either use the assessment-book already existing or may transcribe the necessary portions thereof into a separate assessment-book, and may make such apportionment, or separate and fresh assessment, as appears just in any case where only part of the property comprised in one assessment is included in the Railway District.

Railway rate to be entered in assessment-book.

**26.** (1) The railway rate when declared shall be entered in the assessment-book, and so that particulars, similar to those required in the case of other rates declared by the Council, shall be entered in a proper column opposite the names of the ratepayers liable to pay the railway rate, and the assessment-book shall at all times show a complete record of the moneys due for such rate in respect of every assessed property.

(2) The Council may make such additions to or alterations in the form of the assessment-book used for the railway rate as it deems expedient for carrying out the purposes of this Act.

Notice of railway rate.

**27.** Within fourteen days after declaring any railway rate the Council shall cause notice to be given in the *Gazette*, and in a newspaper (if any) generally circulating in its district, of the nature and amount of the rate. Such notice shall be in the form in the Third Schedule, or in a form to the like effect.

If amount of requisition not paid within two years Commissioner may publish notice.

**28.** If within two years from the publication in the *Gazette* of a requisition upon a Council as hereinbefore provided the amount of the requisition is not paid to the Commissioner, he may publish in the *Gazette* a notice in the form No. 1 in the Fourth Schedule, or in a form to the like effect; or, if the rate has not been declared, he may declare such rate by a notice published as aforesaid, and in the form No. 2 in the said Schedule, or in a form to the like effect.

Transfer to Commissioner of Council's rights for recovery of rate.

**29.** Upon the publication of a notice under section 28 all the rights and powers of the Council in reference to the recovery of rates, and for the letting or sale of land for non-payment of rates, shall, as regards the railway rate or rates mentioned in or declared by such

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such notice, by virtue of such publication be transferred to and vested in the Commissioner; and the Commissioner, or any person authorised by him in that behalf, may exercise any power and do any act which could before such publication, or could if the rate had been declared by the Council, have been exercised or done in reference to the recovery of any such rates by the Council or by any district (or town) clerk, collector, receiver, or other officer of, or person acting under the authority of, the Council.

**30.** If any railway rate does not within one year from its declaration produce the required sum, the Council shall from time to time declare another railway rate or other railway rates until the required sum is produced; and all the provisions of this Act with regard to a rate declared or to be declared under section 23 or declared under section 28 shall, so far as applicable, apply to every rate declared or to be declared under this section.

Supplementary  
railway rates.

**31.** If any railway rate produces more money than required for its purpose, the surplus shall be held by the Council as a fund applicable towards meeting any requisition thereafter made by the Commissioner upon such Council under this Act, and so much thereof as is not required for that purpose within five years from the declaration of the rate shall be applied from time to time towards payment of any Council rate due in respect of the ratable property on which the railway rate has been paid.

Application of surplus  
of railway rate.

**32.** All the provisions of the District Councils Act or the Municipal Corporations Act, whichever is applicable to the case, so far as the same relate to rates declared under such Act and the recovery thereof (except as to limitations of the amounts of such rates), shall, subject to the provisions of this Act and so far as applicable, apply to railway rates declared under this Act.

Application of  
District Councils and  
Municipal Corpora-  
tions Acts to railway  
rates.

**33.** The *Gazette* containing a notice of the declaring of a railway rate in the form in the Third Schedule, or in a form to the like effect, or in the form No. 2 in the Fourth Schedule, or in a form to the like effect, shall be evidence, and, except on proceedings to quash such rate, shall be conclusive evidence that the rate has been duly declared and of the amount, and the correctness of the amount, thereof.

*Gazette* evidence of  
railway rate.

**34.** The moneys received in respect of a railway rate shall, up to the amount for which the Commissioner has made a requisition or requisitions, be paid to him by the Council.

Payment of railway  
rate to Commissioner.

**35.** The *Gazette* containing any order, statement, notice, requisition, or other publication made or given by the Governor or the Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such order, statement, notice, requisition, or other publication, and of the facts stated, recited, or assumed therein;

*Gazette* to be  
evidence of  
statement, &c.

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therein ; and no such order, statement, notice, requisition, or other publication shall be invalid by reason of any thing required as preliminary thereto not having been duly done.

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

DAY H. BOSANQUET, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

Sec. 2.

- Ordinance No. 6 of 1847.—“The Lands Clauses Consolidation Act.”  
 Act No. 26 of 1855-6, being an Act to amend “The Lands Clauses Consolidation Act.”  
 Act No. 202 of 1881.—“The Lands Clauses Consolidation Amendment Act, 1881.”  
 Ordinance No. 7 of 1847.—“The Railways Clauses Consolidation Act.”  
 Act No. 6 of 1858, being an Act to amend “The Railways Clauses Consolidation Act.”  
 Act No. 32 of 1876.—“The Railways Clauses Act, 1876.”  
 Act No. 414 of 1887.—“The South Australian Railways Commissioners Act, 1887.”  
 Act No. 512 of 1891.—“The South Australian Railways Commissioners Act Amendment Act, 1891.”  
 Act No. 612 of 1894.—“The South Australian Railways Commissioners Act Amendment Act, 1894.”  
 Act No. 912 of 1906.—“The South Australian Railways Commissioners Further Amendment Act, 1906.”  
 All Acts amending or substituted for the said Acts and all Acts amending any such substituted Act.

THE SECOND SCHEDULE.

Sec. 13.

THE WILLUNGA RAILWAY.

I, [*name of Returning Officer*], hereby certify that a poll taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the District (*or Municipality*) of \_\_\_\_\_ on the question whether the above-mentioned railway should be constructed in pursuance of “The Goodwood to Willunga Railway Act, 1909,” resulted as follows:—

- Number of votes in approval of the line being so constructed.. \_\_\_\_\_
- Number of votes in objection thereto..... \_\_\_\_\_
- Number of informal votes ..... \_\_\_\_\_

Total number of votes ..... \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, [Signature] Returning Officer.

THE THIRD SCHEDULE.

Secs. 27 and 33.

THE WILLUNGA RAILWAY DISTRICT.

*Notice of Railway Rate.*

At a meeting of the District Council (*or Municipal Council*) of \_\_\_\_\_, duly held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a railway rate was declared of \_\_\_\_\_ in the pound upon the assessment of that part of the District (*or Municipality*) of \_\_\_\_\_ which is included in the Willunga Railway District; and all persons liable are required to pay the amount of the said rate, according to the assessment, to the District (*or Town*) Clerk (*or Collector or other officer*) at the district (*or municipal*) office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
 [Signed] A.B.,  
 Chairman of the District Council (*or District Clerk*).  
 [*or Mayor of the Municipality (or Town Clerk.)*]

THE

*The Goodwood to Willunga Railway Act.—1909.*

Sec. 28.

## THE FOURTH SCHEDULE.

FORM No. 1.

## THE WILLUNGA RAILWAY DISTRICT.

*District (or Council) of*

Notice is hereby given that all moneys unpaid in respect of the railway rate (or rates) declared by the District Council (or Municipal Corporation) of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ [if more than one rate add date of declaration of every other rate] are to be paid to the South Australian Railways Commissioner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(L.S.) [Signature of Commissioner]

The South Australian Railways Commissioner.

Sec. 28.

FORM No. 2.

## THE WILLUNGA RAILWAY DISTRICT.

*Notice of Railway Rate Declared by Railways Commissioner.*

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, the South Australian Railways Commissioner, pursuant to "The Goodwood to Willunga Railway Act, 1909," forwarded to the clerk of the District (or Municipality) of \_\_\_\_\_ a requisition for the sum of \_\_\_\_\_ and that the Council of the said District (or Municipality) not having declared a railway rate to produce the said sum as required by the said Act, the said Commissioner, in exercise of his powers in that behalf under the said Act, hereby declares a railway rate of \_\_\_\_\_ in the pound upon the assessment of that part of the District (or Municipality) of \_\_\_\_\_, which is included in the Willunga Railway District; and all persons liable are required to pay the amount of the said rate, according to the assessment, to the South Australian Railways Commissioner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(L.S.) [Signature of Commissioner]

The South Australian Railways Commissioner.

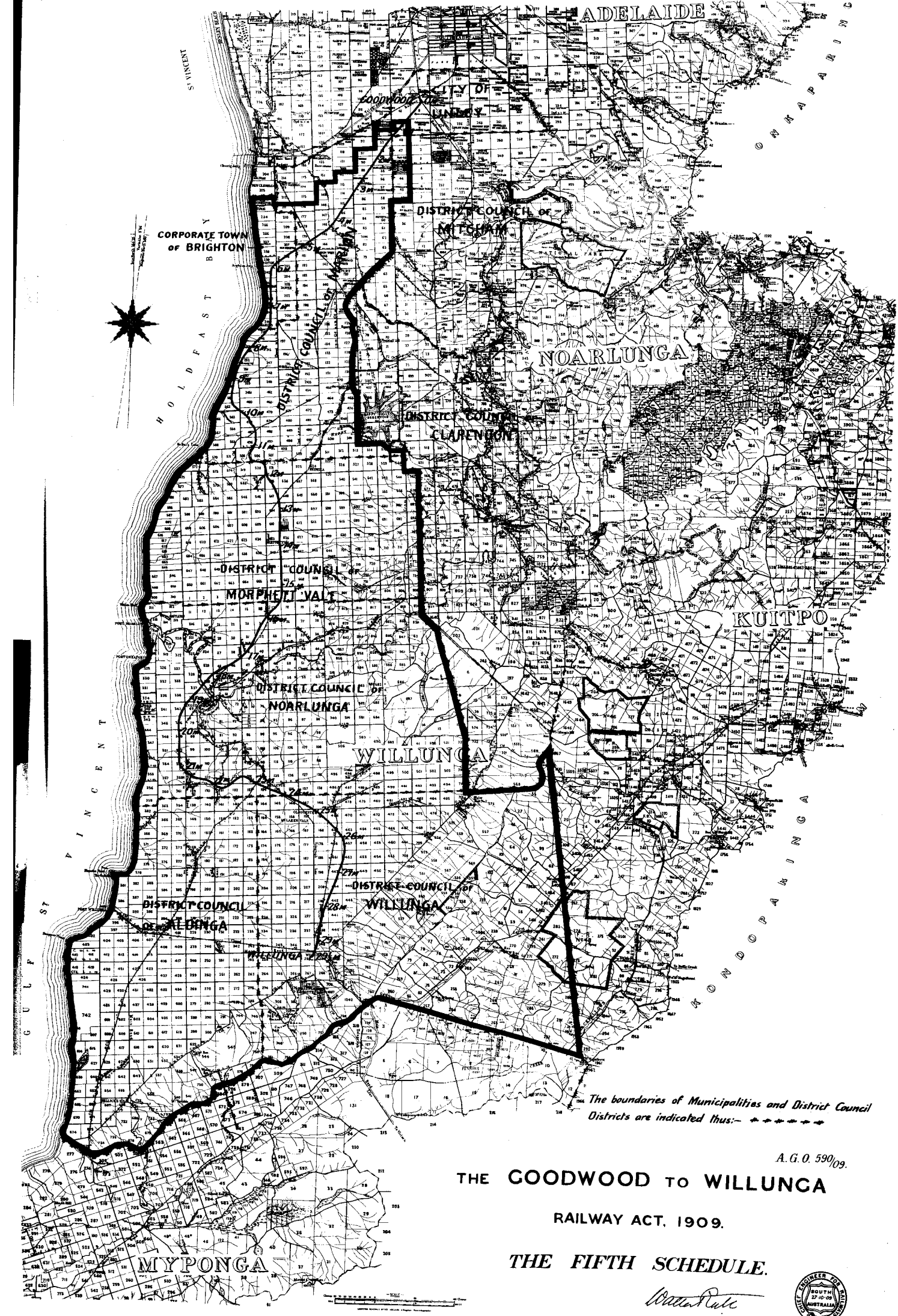
Secs. 4 and 10.

## THE FIFTH SCHEDULE.

[PLAN.]

PLAN





The boundaries of Municipalities and District Council Districts are indicated thus: - - - - -

A. G. O. 590/09.

**THE GOODWOOD TO WILLUNGA  
RAILWAY ACT, 1909.**

**THE FIFTH SCHEDULE.**

*Walter R. Pitt*  
Chief Engineer for Railways.

