



ANNO QUINQUAGESIMO ET QUINQUAGESIMO  
PRIMO

# VICTORIÆ REGINÆ.

A.D. 1887.

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## No. 414.

An Act to make better provision for the Construction, Maintenance, and Management of Government Railways, and for other purposes.

[Assented to, December 9th, 1887.]

**B**E it 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 as “The South Australian Railways Commissioners Act, 1887,” and shall come into operation on a day to be fixed by the Governor by a Proclamation in the *Government Gazette*, except as to the provision for the appointment of Commissioners, which shall take effect on the passing of this Act. Short title.

2. In the construction of this Act, and of all regulations and by-laws to be made thereunder— Interpretation.

The word “Minister” shall mean the Commissioner of Public Works for the time being:

The word “Commissioners” shall mean the Commissioners incorporated by this Act:

The word “railways” shall mean the railways vested by this Act in the Commissioners:

The words “said service,” or “Railway Service” shall mean employment under the Commissioners:

The

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The words “additional person” shall mean a person not already in a permanent office under the Railway Service :

The words “special Act” shall mean any Act at present or which may hereafter be in force authorising the construction of a railway :

The words “prescribe” and “determine” shall mean prescribe and determine by regulations under this Act :

The word “vessel” shall include ship, boat, barge, lighter, and craft of every kind, and whether steam or other vessel :

All officers or servants under the control of the Commissioners hereinafter designated “officers and employés” shall be deemed to be officers and servants of the Commissioners :

Wherever the word “permanent” is used in reference to any office or employment under the Commissioners, the same shall mean such offices or employments as are remunerated by annual salaries fixed and determined under the regulations under this Act.

Division of Act.

**3.** The subject-matter of this Act shall be divided into the following parts:—

PART I.—Repeal:

PART II.—Incorporation of Acts:

PART III.—The Minister:

PART IV.—Appointment and Meeting of Commissioners:

PART V.—Appointment of Officers:

PART VI.—Regulations:

PART VII.—Vesting of Property, Rights, and Liabilities:

PART VIII.—By-laws:

PART IX.—Management:

PART X.—Contracts:

PART XI.—Accidents:

PART XII.—Penalties and Procedure:

PART XIII.—Evidence.

PART I.

PART I.

REPEAL.

“Civil Service Act, 1874,” not to apply to Railway Service.

**4.** The “Civil Service Act, 1874,” and the “Civil Service Amendment Act, 1881,” except as to any matter or thing lawfully done under the said Acts, or either of them, previously to the coming into operation of this Act, shall not apply to the Railway Service.

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## PART II.

## INCORPORATION OF ACTS.

5. The Lands Clauses Consolidation Act, and an Act, No. 26 of 1855-6, to amend the Lands Clauses Consolidation Act; the Railways Clauses Consolidation Act, and an Act, No. 6 of 1858, to amend the "Railways Clauses Consolidation Act," and the Railways Clauses Act, 1876, and all Acts passed or hereafter to be passed, amending the same, are hereby, so far as the same are severally applicable to and consistent with the provisions of this Act, incorporated and shall be read with this Act. In the construction of the "Railways Clauses Act, 1876," the words "the Commissioner of Railways" shall be read as and mean "the Commissioners."

Incorporation of Lands Clauses Consolidation Act, and Railways Clauses Consolidation Act, and Railways Clauses Act, 1876.

## PART II.

## PART III.

## THE MINISTER.

6. All reports and accounts which are by this Act required to be laid before Parliament shall be furnished by the Commissioners to the Minister.

The Minister to receive reports.

## PART III.

## PART IV.

## APPOINTMENT AND MEETINGS OF COMMISSIONERS.

7. There shall be three Commissioners appointed for carrying this Act into execution, and such Commissioners shall be a body corporate by the name of "The South Australian Railway Commissioners," and by that name shall have perpetual succession, and a common seal, and be capable in law of suing and being sued, and shall have power to take, purchase, sell, lease, and hold lands, tenements, and hereditaments, goods, chattels, and other property, for any of the purposes of this Act, subject to the restrictions herein contained.

Commissioners to be a body corporate.

## PART IV.

8. All Courts, Judges, and persons acting judicially, shall take judicial notice of the common seal of the Commissioners affixed to any deed, and shall presume that such seal was properly affixed thereto.

Seal of Commissioners to be judicially noticed.

9. Any two of the Commissioners shall form a quorum, and shall have and may exercise all the powers and authorities which by this Act, or by any Act to be hereafter in force, are, or shall be, vested in the Commissioners.

Quorum of Commissioners.

10. No proceeding of the Commissioners shall be invalidated or illegal in consequence only of there being any vacancy in the number of Commissioners at the time of such proceeding.

Vacancy not to invalidate.

11. The Commissioners shall be appointed by the Governor in Council, and shall hold office, during good behaviour, for the term of

Appointment of Commissioners.

of

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of seven years from the date of appointment, save as hereinafter provided, and shall not be removable therefrom during such term unless an address praying for such removal be presented to the Governor from both Houses of the Legislature in one session, or from one House in each of two consecutive sessions: Provided that it shall be lawful for the Governor in Council to suspend any Commissioner from his office for inability or misbehaviour, and when and so often as the same shall happen a full statement of the cause of such suspension shall be laid before both Houses of Parliament if then sitting, or if they be not then sitting, within seven days after the commencement of the next session; and if an address shall not within one calendar month afterwards during that session be presented to the Governor by the Legislative Council or House of Assembly, praying for the removal of such Commissioner from his office, such Commissioner shall be restored thereto; but if such address shall be so presented, the Governor in Council may remove such Commissioner from his office, which thereupon shall become vacant: Provided also that any Commissioner ceasing to hold office by effluxion of time shall be eligible for re-appointment.

Office of Commissioner, how vacated.

**12.** If any Commissioner shall wilfully absent himself from his duty for a period of fourteen consecutive days, except on leave granted by the Governor in Council, which the Governor in Council is hereby authorised to grant, or shall die, or resign, or become insolvent, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or by deed or writing compound with his creditors, or make an assignment of his estate or effects or future salary for their benefit, or become in anywise, except as a Commissioner, concerned or interested in any bargain or contract made by or on behalf of the Commissioners, or in anywise participate or claim to be entitled to participate in the profit thereof or in any benefit or emolument arising from the same, or become a member of the Executive Council or of either House of Parliament, or occupy any office or engage in any employment other than in connection with the duties of his office of Commissioner, he shall, on proof thereof to the satisfaction of the Governor in Council, be deemed to have forfeited his office as Commissioner, and the Governor in Council shall thereupon declare the same vacant.

Governor in Council to fill vacancy.

**13.** The Governor may from time to time appoint persons to fill any vacancies that may occur in the office of Commissioner, and any appointment to such vacancy may be for a term of less than seven years.

Appointment of Deputy Commissioner.

**14.** In case of the illness, suspension, or absence from the province, of any Commissioner, it shall be lawful for the Governor in Council to appoint some other person to act as the deputy of such Commissioner during such illness, suspension, or absence; and every such person shall, during the time for which he acts as such deputy, have

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have all the powers and perform all the duties of such Commissioner.

## PART IV.

**15.** The Governor in Council may appoint one of the Commissioners to be a chairman, and from time to time, as any vacancy occurs in the office of chairman, may appoint a person to fill such vacancy. If the chairman differ from the decision of the other two Commissioners with respect to any matter before the Commissioners for their decision and determination, such matter shall be deferred for not less than twenty-four hours, when it shall be again brought forward, and in the event of the chairman again differing from the decision of the other two Commissioners, such matter of difference shall be determined according to the deliberate judgment of the chairman, irrespective of the decision of the other two Commissioners, and the chairman shall in all such cases enter upon the minutes of the proceedings of the Commissioners his reasons at length for deciding such matter in opposition to the other two Commissioners, and the other two Commissioners shall also enter on the said minutes their reasons for differing from the chairman, and the chairman shall forward to the Minister a true copy of such minute, certified under his hand, for presentation to Parliament.

Appointment of  
chairman.

**16.** The chairman, or, in his absence, the Commissioner who is with respect to the date of his appointment the senior, shall preside at the meetings of the Commissioners. The Commissioner presiding at a meeting of the Commissioners shall, in the event of an equal division of votes at such meeting, have a second or casting vote.

Presiding Commis-  
sioner.

**17.** The Commissioners shall keep minutes of all the proceedings in such manner and form as the Governor in Council may from time to time direct.

Minutes to be kept.

## PART V.

## APPOINTMENT OF OFFICERS.

## PART V.

**18.** All appointments to the Railway Service shall be made by, and tenable during the pleasure of, the Commissioners. The Commissioners may appoint such and as many officers and employés as they think fit, and from time to time dismiss them, and may increase or diminish the number of officers. The Commissioners shall pay such salaries, wages, and allowances to the officers and employés as they may by regulations prescribe and as Parliament may appropriate for the purpose. All appointments to permanent offices in the Railway Service shall be made in manner hereinafter mentioned.

Commissioner to ap-  
point officers.

**19.** Every officer and employé in the Railway Department of the Civil Service at the time of the passing of this Act shall be deemed, for the purposes of this Act, to have been appointed by the Commissioners without any further or other appointment. Every such officer and employé, or his legal personal representative, shall be entitled

Existing officers and  
employés deemed to  
have been appointed  
by Commissioners.

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entitled to the allowance provided for by section 4 of the "Civil Service Amendment Act, 1881," under the conditions therein expressed, as if this Act had not been passed.

Commissioners to take security from officers entrusted with money.

**20.** Before any person entrusted with the custody and control of moneys, whether collector or other officer or servant of the Commissioners, enters upon his office, the Commissioners shall take sufficient security from him for the faithful execution of his office, and such security may be that of any incorporated company or guarantee society approved of by the Commissioners in such form as the Commissioners may by regulations from time to time direct.

Officers to account.

**21.** Every officer appointed or employed by the Commissioners under or by virtue of this Act shall from time to time, when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that purpose, a true and faithful account in writing under his hand of all the moneys received by him on behalf of the Commissioners, and such account shall state how and to whom and for what purpose such moneys have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments, and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all moneys which appear to be owing from him upon the balance of such account.

Commissioners to appoint examiners.

**22.** The Commissioners may appoint from time to time, from the officers of the department without extra salary, fit and proper persons to be examiners of candidates for employment in each branch of the Railway Service, and may at any time accept the resignation of or remove any such examiners.

Appointment of additional persons.

**23.** The Commissioners, whenever they require to employ additional persons in the permanent offices of the Railway Service, shall cause the examiners to hold competitive examinations of the candidates for employment in such subjects as the Commissioners may prescribe. The Commissioners shall give public notice of the time and place of such examinations and of the branches for which candidates are required, and the subjects for examination. The names of all competitors who shall at such examinations have satisfied the examiners as to their proficiency, shall forthwith be registered by the Commissioners in a book to be kept for that purpose in the order of merit as determined by such examinations, and all appointments of additional persons, then or within one year after the date of such registration required for permanent offices in the branch for which such examinations shall have been held, shall be made from the persons whose names are so registered, and in the order of such registration, the name registered first being first taken and the others afterwards in regular sequence.

Additional persons to be appointed on probation.

**24.** Each such appointment of an additional person to a permanent office shall be made to the lowest class in the branch to which

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which it is made, and on probation only for a period of six months. After the period of such probation, and upon production of a certificate of fitness from the officer at the head of the branch in which the probationer may then be serving, and upon proof to the satisfaction of the Commissioners that all the provisions of this Act, so far as they apply to such probationer, have been complied with, such appointment may be confirmed by the Commissioners.

**PART V.**

**25.** No probationer shall have his appointment confirmed until he shall have effected in some life insurance company, carrying on business in South Australia, and approved by the Commissioners, an insurance on his life providing for the payment of a sum of money at his death should it occur before the age of retirement from the Railway Service, or if he survive until that age, of a sum of money or annuity on the date of such retirement. Such insurance shall be continued, and the amount thereof fixed and increased from time to time in accordance with regulations to be made by the Commissioners in that behalf; and no policy of insurance so effected shall be, during the time such person remains in the Railway Service, assignable either at law or equity.

Appointee to effect an insurance on his life.

**26.** The Commissioners, if they think fit, may transfer officers and employés from one branch of the Railway Service to any class in another branch, and also may appoint to any class in any branch, without examination, additional persons of known ability.

Transfers of officers and employés.

**27.** The officer at the head of any branch of the Railway Service may, if he thinks fit, certify that in his opinion any officer or employé in his branch is entitled to a payment for overtime work, but no payment for overtime work shall be paid without the authority of the Commissioners.

Overtime payments.

**28.** The Commissioners shall keep a book, to be called the "Record Book," and shall record therein the names of all persons in the Railway Service, and the class, position, or grade, the length of service, salaries, and such other particulars with regard to such persons as they think fit, and shall from time to time cause entries to be made in such Record Book of deaths, dismissals, resignations, promotions, and reductions, and shall, in the month of July in every year, publish in the *Government Gazette* a list arranged according to classes and branches of the persons then employed in the Railway Service.

Record book to be kept.

**PART VI.****REGULATIONS.****PART VI.**

**29.** The Commissioners shall make, and may from time to time alter and repeal, regulations—

Regulations to be made.

For prescribing the qualifications required in all candidates for permanent employment in the Railway Service, and the subjects

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subjects for examination of all candidates for employment in the various branches of the said service :

- For determining the number of branches of the Railway Service :
- For determining the number and relative rank of classes in the various branches, and the maximum and minimum salaries payable to the officers of each class, and the annual increase of such salaries :
- For determining the wages to be paid to the officers and employés temporarily employed in the Railway Service :
- For regulating the duties to be performed by employés in the Railway Service, and the discipline to be observed in the performance of such duties, the granting of leave of absence from time to time, and arranging for the performance of duties during holidays, and for affixing to breaches of such regulations, according to the nature of the offences, such penalties as by this Act are authorised :
- For fixing the ages at which employés shall retire in the different branches of the Railway Service :
- For regulating and determining the scale on which employés in the various classes of the Railway Service shall insure their lives, or for the payment to them of a sum of money or annuity at the date of their attaining the age of retirement from the Railway Service :
- For the hearing and determining of any appeal by any employé :
- For altering or repealing any rules or regulations made by the Commissioners of Railways, or the Governor, with regard to railways or officers and employés in the Railway Service :
- For regulating the proceedings of the Commissioners, whether as the South Australian Railway Commissioners or as the Supply and Tender Board :
- For regulating the purchase, care, custody, and issue of stores and materials, and the taking and keeping of the accounts relating thereto.

**Further power.**

**30.** The Commissioners from time to time may make all such other regulations not inconsistent with this Act, either applicable generally, or to meet particular cases, as may be necessary or desirable to carry out the objects and purposes of this Act, or as may be convenient for the administration thereof.

**Publication of regulations.**

**31.** All such regulations shall be published in the *Government Gazette*, and shall have the force of law from the date of such publication: Provided that such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next session



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session of Parliament; and that if an address be presented to the Governor by either House within the next subsequent thirty days, praying that any such regulations, or any part thereof, may be annulled, the Governor in Council may thereupon annul the same; and any regulation, or portion of a regulation, so annulled, shall thereupon become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

## PART VI.

## PART VII.

## VESTING OF PROPERTY, RIGHTS, AND LIABILITIES.

## PART VII.

**32.** All railways and rolling-stock heretofore constructed or acquired, or which may hereafter be constructed or acquired, by or on behalf of the State, and the piers, wharves, jetties, stations, yards, and buildings connected or used therewith respectively, or forming or reputed to be part or parcel thereof respectively, together with the land over or upon which the said railways, piers, wharves, jetties, stations, yards, and buildings have been or may hereafter be constructed or erected, and the land included within the boundary fences of any of the said railways, and all lands outside such fences which may have been acquired by the Commissioners of Railways under any Act authorising the taking of land for railway purposes, and the inheritance thereof in fee-simple, and all the powers, functions, obligations, duties, immunities, and rights, by any Act, or portion of an Act, not hereby repealed, conferred or imposed upon or vested in the Commissioners of Railways, shall be and the same are hereby transferred to and invested in the Commissioners for the purposes of this Act.

State railways vested in the Commissioners.

**33.** Any Crown lands which are taken by the Commissioners under the authority of this Act, or of any Act incorporated herewith, and the inheritance thereof in fee-simple, shall vest in the Commissioners for the purposes of this Act.

Crown lands taken to vest in Commissioners.

**34.** All the telegraph posts, wires, instruments, and other telegraphic or telephonic apparatus belonging to the Commissioner of Railways shall be and the same are hereby vested in the Commissioners for the purposes of this Act.

Railway telegraphs vested in Commissioners.

**35.** No rates, taxes, or assessments shall be made, calculated, or charged upon any of the railways, or upon any pier, wharf, jetty, station, yard, building, or works vested in the Commissioners: Provided that this clause shall not apply to any land or buildings which may be in the use or occupation of private persons.

Commissioners not to pay rates for properties vested in them.

**36.** All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds, agreements entered into, made, or given before the passing of this Act, by or to the Commissioner of Railways

Commissioners substituted for the Commissioner of Railways with reference to all rights, liabilities, and privileges.

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ways, in connection with the railways or with the piers, wharves, jetties, stations, yards, buildings, lands, rolling-stock, or chattels, by this Act vested in the Commissioners, shall be as binding and of as full force and effect in every respect against or in favor of the Commissioners, and may be enforced as fully and effectually as if instead of the Commissioner of Railways the Commissioners had been a party thereto, and all powers conferred upon the Commissioner of Railways, and all matters or things had or done or to be done by, and all rights, privileges, causes of action, accrued or accruing to or against the Commissioner of Railways, shall be had, done, exercised, enforced, enjoyed, and used by or against the Commissioners in the same way that they might have been had, done, exercised, enforced, enjoyed, and used by or against the Commissioner of Railways but for the passing of this Act, and with respect thereto the Commissioners shall be substituted for the Commissioner of Railways; and any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed by or against the Commissioner of Railways in respect of the railways, or in respect of any such piers, wharves, jetties, stations, yards, buildings, lands, rolling-stock, or chattels before the passing of this Act, may be enforced and recovered against, or by or on behalf of the Commissioners, in the same way as they might have been enforced and recovered against, or by or on behalf of, the Commissioner of Railways, but for the passing of this Act.

## PART VIII.

## PART VIII.

## BY-LAWS.

By-laws may be made.

**37.** The Commissioners may, in addition to the powers conferred upon the Commissioner of Railways by the "Railways Clauses Consolidation Act," and the Act amending the same, from time to time make, alter, and repeal by-laws for all or any of the subjects or matters hereinafter mentioned, and may impose penalties not exceeding Ten Pounds upon any person committing a breach of any of such by-laws:—

For fixing the amount of fares for the conveyance of passengers and the charges for the carriage of animals, goods, and parcels, and the circumstances and conditions under which the Commissioners will make special rates for the carriage of goods in quantities:

For preventing the commission of any nuisances in or upon the carriages or in any of the stations, buildings, piers, wharves, or jetties vested in the Commissioners:

For preventing the emptying of sewage on or drainage on to any of the railways, or on to any lands, stations, buildings, piers, wharves, or jetties vested in the Commissioners:

For regulating the exercise of the several powers vested in any piermaster:

For

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- For regulating the admission of vessels to any pier, wharf, or jetty hereinbefore mentioned, and their removal from the same, and for the good order and government of such vessels whilst at such pier, wharfs, or jetty:
- For regulating the use of any such pier, wharf, or jetty:
- For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing all goods from or at any such station, building, pier, wharf, or jetty:
- For regulating the conduct of all persons (not being the harbor-master of the Marine Board, or any officer of Customs) while upon or in any such station, building, pier, wharf, or jetty, or while employed at or near the same:
- For regulating the use of fires and lights within any vessel being at any such pier, wharf, or jetty, except within the jurisdiction of the Marine Board:
- For preventing damage or injury to any vessel or goods at any such station, building, pier, wharf, or jetty:
- For regulating the duties and conduct of porters, cabmen, carmen, draymen, and carriers (not being employés of the Commissioners) employed at any such station, building, pier, wharf, or jetty, and fixing the charges to be paid to them for carrying any passengers, goods, articles, or things from or to the same:
- For fixing the amount of tolls to be paid by any vessel using any such pier, wharf, or jetty, or any crane, the property of the Commissioners, and for fixing the amount of tolls to be paid on goods brought to or taken from any vessel using any such pier, wharf, or jetty, by lighter or other vessel:
- For fixing the amount of tolls upon animals and goods received or delivered upon or from any such pier, wharf, or jetty:
- For regulating generally the travelling and traffic upon or using and working of the railways, and of the stations, buildings, piers, wharfs, and jetties hereinbefore mentioned, and for the good government and maintenance of order thereon:
- For regulating the terms and conditions upon which special trains will be run:
- For regulating the admission of the public to any of the railways and to any of the stations, buildings, piers, wharfs, or jetties hereinbefore mentioned, and for fixing a charge therefor, or for dispensing with the same on certain days or for certain times:
- For regulating the use of stamps as prepayment upon parcels:
- For regulating the sale of tickets at places other than railway stations, and the conditions under which such tickets shall be sold:
- For

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- For fixing demurrage charges where goods are to be loaded into or discharged from trucks by owners, consignors or consignees :
- For fixing the charges for warehousing goods and the charges to be paid in respect of parcels and luggage left for transit or for care or custody, and the conditions upon which they respectively will be received :
- For regulating the disposal of unclaimed goods :
- For imposing conditions upon which passengers' luggage will be carried :
- For preventing or regulating bathing or fishing in or shooting over or upon any reservoir or tank connected with any of the railways :
- For regulating the carriage of corpses, and for prohibiting the carriage or conveyance of the bodies of persons who have died from contagious diseases :
- For prohibiting the carriage or conveyance of diseased animals, and preventing them from coming upon any station or premises :
- For preventing damage or injury to railway stations, buildings, piers, wharfs, or jetties or premises, carriages, gates, fences, or any property whatever :
- For the issue and the prevention of the abuse of free passes on the railways :
- For regulating public or private traffic across any of the said railways on the level thereof, and for preventing animals trespassing on any of the railways :
- For altering or repealing any by-laws made by the Commissioner of Railways with regard to railways, whether under the provisions of "The Railways Clauses Consolidation Act," or any special Act at present in force :
- For regulating the manner in which public notices shall be advertised, and generally with regard to advertising in newspapers and elsewhere :
- For facilitating and regulating the insurance of persons travelling on the lines of railway by any accident insurance company now or hereafter in existence :

And generally for carrying out the powers vested in them by, or more conveniently administering, this Act: Provided that such by-laws be not repugnant to the laws of the province, or to the provisions of any special Act.

By-law to be confirmed and published in *Government Gazette*.

**38.** No by-law which the Commissioners are by this Act authorised to make shall have any force and effect until the same has been confirmed by the Governor in Council and published in the *Government Gazette* :

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*Gazette:* Provided that such by-laws shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next session of Parliament; and that if an address be presented to the Governor by either House within the next subsequent thirty days, praying that any such by-laws, or any part thereof, may be annulled, the Governor in Council may thereupon annul the same; and any by-law, or portion of a by-law, so annulled, shall thereupon become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

**39.** The regulations made by the Governor in accordance with section 36 of the "Civil Service Act, 1874," and the rules, regulations, and by-laws made or purporting to have been made by the Commissioner of Railways, whether within or in excess of the powers conferred upon the Commissioner of Railways, shall be deemed to have been enacted by this Act, and shall be and continue to be in full force and effect until altered or repealed by rules, regulations, or by-laws, made in pursuance of the provisions of this Act.

Certain regulations and by-laws to remain in force.

## PART IX.

## PART IX.

## MANAGEMENT.

**40.** The Commissioners may appoint places in the different centres of population as depôts for the receipt and delivery of parcels or passengers' luggage to be forwarded to or received from any of the railways, and may contract with any person for the carriage of such parcels or passengers' luggage to and from any railway station or depôt.

Depôts for receipt and delivery of parcels.

**41.** The Commissioners may, in lieu of loading or unloading goods on or from any truck, shed, or vessel by temporary day labor, invite public tenders on such terms and conditions as they think fit for the performance of such work for a period not exceeding one year, and shall have power to accept any tender or invite fresh tenders, and may make a contract with the person whose tender is accepted.

Commissioners may make a contract for loading or unloading goods.

**42.** The Commissioners may lease any refreshment-room, shed, office, shop, stall, coal gears, sites for storage or for erecting sheds, right of entrance into any station by hackney carriages, right of advertising or other convenience or appurtenance to any of the railways, for such term and at such rent as they may determine.

Commissioners may lease refreshment-rooms, &c.

**43.** It shall be lawful for the Commissioners to make special conditions for the receiving, forwarding, or delivering any horse, cattle, or other animals, and any articles, goods, or things: Provided always

Special conditions, if just and reasonable, may be made.

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Scale of damages recoverable for injury to animals.

Special rates for higher declared value may be charged by by-law.

Proof of value and of damage to rest on the claimant.

Adjustment of weights and measures.

Commissioners to construct and maintain railways.

Commissioners may not remove workshops.

always that no greater damages shall be recovered for the loss of or for any injury done to any such animals, whether such loss or injury arose through negligence or otherwise, beyond the sums hereinafter mentioned (that is to say):—for any horse, Fifty Pounds; for any cattle, per head, Twenty Pounds; for any sheep, pig, or other small animal, per head, One Pound; unless the person sending or delivering the same shall at the time of such delivery have declared them to be respectively of higher value than as above mentioned, in which case it shall be lawful for the Commissioners to demand and receive by way of compensation for the increased risk and excess of care thereby occasioned a reasonable percentage upon the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge; and such percentage or increased rate of charge shall be from time to time ascertained and fixed by one of the by-laws, and such by-law shall be affixed in some conspicuous place of the terminal stations of the railways to which the same apply; and all persons affected thereby shall be bound by such notice without further proof of the same having come to their knowledge: Provided also that the proof of the value of such animals, articles, goods, or things, and the amount of the injury done thereto, shall in all cases lie upon the persons claiming compensation for such loss or injury.

**44.** The Commissioners shall cause all weights, measures, scales, balances, steelyards, beams, and other weighing machines in use upon any of the railways, or any of the stations, piers, wharves, or jetties, vested in the Commissioners, to be from time to time adjusted either on comparison with authorised copies of the standard weights and measures made under the law for the time being regulating standard weights and measures in the Province of South Australia, and for the prevention of such as are false and deficient, or otherwise as the case may be, by some officer in the Railway Service in that behalf appointed by the Commissioners; but save as aforesaid nothing in the said Acts contained shall apply to the railways, or to any station, pier, wharf, or jetty vested in the Commissioners.

**45.** The Commissioners shall construct all lines of railway and works which at the time of the passing of this Act the Commissioner of Railways was authorised to construct, and shall also construct all lines of railway and works which such Commissioners may be authorised hereafter by any Act or Acts of Parliament so to do, and it shall also be the duty of the Commissioners to supervise and see that the railways and the accommodation thereto are maintained in a state of efficiency, and that persons travelling upon such railways are carried without negligence.

**46.** It shall not be competent for the Commissioners to remove or discontinue any of the workshops connected with the railways in existence at the commencement of this Act, without the sanction of the Governor in Council.

**47.** Before

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## PART IX.

**47.** Before the introduction into the House of Assembly of any Bill authorising the construction of new lines of railway the Commissioners shall transmit to the Minister a statement under their seal showing their estimate of the cost of constructing each proposed new line, and of the traffic and other returns likely to be derived therefrom; and the Minister shall, before such introduction, lay the same upon the table of the House of Assembly.

Commissioners to prepare estimated cost of proposed lines.

**48.** The Commissioners may apply, in writing, from time to time, to the Minister for additional stores, plant, material, rolling-stock, sheds, stations, and other accommodation which, in the opinion of the Commissioners, may be required to enable them to meet the traffic requirements and the efficient working of the railways.

Application for additional stores, &c.

**49.** In the first month in each quarter of every year the Commissioners shall report in writing to the Minister the state of the traffic returns, with the approximate cost and earnings of trains per ton per train mile in respect of goods and passengers respectively carried during the past quarter, the general condition of the lines and accommodation for the traffic, whether any special rates have been made, and the reasons for making such rates, and shall also furnish a statement of appointments and removals of employes, with the circumstances attending each. Such reports shall be laid before Parliament, if Parliament be sitting, and if not then immediately upon the re-assembling of Parliament.

Commissioners to report.

**50.** The Commissioners shall prepare an annual report of their proceedings, and an account of all moneys received and expended during the preceding year. Such annual report shall be laid before both Houses of Parliament in the month of August in each year, if Parliament be then sitting, and if Parliament be not then sitting then within fourteen days after the commencement of the next ensuing session thereof. They shall also prepare estimates, in such form as the Governor in Council may from time to time direct, of receipts and expenditure for each period of twelve months ending on the thirtieth day of June in each and every year.

Annual reports to be laid before Parliament.

**51.** All moneys appropriated by Parliament for the construction, maintenance, or management of the railways and for works in connection therewith, shall be expended under the control and management of the Commissioners.

Expenditure of money appropriated by Parliament.

**52.** All moneys payable to the Commissioners under this Act shall be collected and received for or on account of the General Revenue, and shall from time to time, in such manner as the Governor may prescribe, be paid to the Treasurer for the public purposes of the said province; and the provisions of any Act now or hereafter in force for the collection and payment of the public moneys and the audit of the public accounts shall, save as in this Act otherwise expressly provided, apply to the Commissioners and to all officers acting under their control.

Audit Act to apply to Commissioners.

**53.** Whenever

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## PART IX.

Surplus lands may be leased.

**53.** Whenever it appears to the Commissioners that the land which has been acquired for the purposes of any of the railways is in excess of the quantity required for such purposes, it shall be lawful for the Commissioners to dispose of such part thereof as may be so in excess, or any part thereof, by demise and lease for any term or terms of years, and at such rent as the Commissioners may think fit, to any person willing to take the same, and for the purposes of such lease as aforesaid to execute any and every deed, instrument, and writing which may be deemed necessary or expedient.

Power to erect telegraphs.

**54.** The Commissioners may from time to time construct and maintain lines of telegraphic and telephonic communication along the lines of any of the railways, and for such purpose may enter in and upon any Crown lands, roads, and streets, and make therein all needful excavations for the erection of masts and posts, and for the laying down of lines of subterranean communication, and may erect and set up all necessary masts, posts, ends, and wires.

Wires may be affixed to existing posts.

**55.** The Minister Controlling the Telegraph Department shall have power to affix telegraph wires on any posts or masts erected by the Commissioners; and the Commissioners shall in like manner have power to affix wires, under the direction of and in the manner approved by the Minister Controlling the Telegraph Department, on any posts or masts erected by the said Minister, and the cost of maintenance of such posts and masts shall be divided between the Telegraph Department and the Commissioners, in proportion to the number of wires belonging to each on such posts or masts.

Masts and posts to be moved if required.

**56.** The Commissioners may require the Minister Controlling the Telegraph Department to shift any posts, masts, wires, and apparatus belonging to the said Minister, when necessary for the purposes of their works or traffic, but in all such cases the Commissioners shall pay to the said Minister the actual costs incurred in shifting the same; but if such posts or masts support both the wires of the Commissioners and of the Minister, the cost of shifting the same shall be apportioned between the Commissioners and the Telegraph Department, according to the number of wires belonging to each on each such post or mast.

Supply and Tender Board.

**57.** The Commissioners shall constitute a Supply and Tender Board, and as such shall control the purchase, care, custody, and issue of all stores and materials required for the Public Service by the Railway, Marine, Hydraulic, and Post and Telegraph Departments, and the taking and keeping of the accounts relating thereto; and the Governor, by Proclamation in the *Government Gazette*, may at any time place the stores and materials required by any other department under the control of such Supply and Tender Board, or deprive such Board of the control of the stores and materials required by any department.



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## PART X.

## PART X.

## CONTRACTS.

**58.** It shall be lawful for the Commissioners to enter by the corporate name of the Commissioners into contracts with any persons for the execution of any work authorised by this Act to be done by the Commissioners, or which they may think proper to do or to direct to be done under or by virtue of the powers confided to them by this Act, or for furnishing materials or labor, or for providing proper engines or other power, or for any matters and things whatsoever necessary for enabling them to carry the purposes of this Act into full and complete effect in such manner and upon such terms and for such sum of money and under such stipulations, conditions, and restrictions as the Commissioners think proper; and every such contract shall be in writing, and shall specify the several works to be done, and the materials to be furnished, and the prices to be paid for the same, and the times within which the said works are to be completed, and materials or labor furnished, and the penalties to be suffered in case of non-performance thereof; and every such contract may, if the Commissioners so think fit, also specify the person to whose satisfaction the same are to be completed or furnished, and the mode of determining any dispute which may arise concerning or in consequence of such contract: Provided that the Commissioners shall not enter into any such contract for the supply, either directly or indirectly, from places outside South Australia of materials, engines, or other power, or any other matter or thing, without the sanction of the Governor in Council.

Commissioners may  
make contracts, &c.

**59.** It shall be lawful for the Commissioners and the Minister for the time being having the control of the Post Office and Telegraph Departments respectively from time to time to enter into, alter, and rescind contracts and agreements with respect to the receipt, carriage, and conveyance of letters, parcels, and newspapers, and for any other matter or thing in relation to the postal service.

Power for Commis-  
sioners and Post-  
master-General and  
Superintendent of  
Telegraphs to make  
contracts.

**60.** The several lines of telegraphic communication belonging to the Commissioners, or which are worked under the direction or on behalf of the Commissioners, shall, so far as is consistent with the due and efficient working of the railways, be available for the transmission of messages by the public; and all such messages as last aforesaid shall be transmitted by the officers and employés on behalf of the Commissioners, as agents of the Minister Controlling the Telegraph Department, and be subject to the provisions of the Act relating to Telegraphs, No. 6, 1857, and the regulations for the time being of the Telegraph Department. And there shall be demanded and received, in respect of such last-mentioned messages, such fees, rates, and dues as may for the time being be lawfully demanded or received by the Minister Controlling the Telegraph Department in respect of lines of telegraphic communication under his control; and, save as aforesaid, the Commissioners shall not transmit

Telegraph lines  
available for public.

Payment for public  
messages.

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Remuneration, how settled.

transmit or permit the transmission of messages on behalf of the public through their wires. The remuneration to be paid by the Postmaster-General to the Commissioners, for the transmission of messages as aforesaid, may be either a lump sum or a percentage on the gross sum received by the Postmaster-General from the Commissioners in respect of such transmission, or may be determined in such other way as may from time to time be agreed upon between the Postmaster-General and the Commissioners.

How differences to be determined.

**61.** In case any difference arise between the Commissioners and the said Minister for the time being having the control of the Post Office and Telegraph Departments respectively, with regard to the terms and conditions on which any contract or agreement should be made or otherwise in relation thereto, the same shall be determined by the Governor.

Contracts by the Commissioners, how to be entered into.

**62.** The powers hereby granted to the Commissioners to make contracts may lawfully be exercised as follows, that is to say—

Any contract which if made between private persons would be by law required to be in writing and under seal, the Commissioners may make in writing in the corporate name of the Commissioners under their common seal, and in the same manner may vary or discharge the same:

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, the Commissioners may make in writing in the corporate name of the Commissioners, signed by the secretary and any two of the Commissioners, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained and duly executed by the parties thereto respectively shall be effectual in law and shall be binding upon the Commissioners and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract either by the Commissioner or by any other party thereto, such actions or suits may be brought thereon and damages and costs recovered either by or against the Commissioners in their corporate name, or the other parties failing in the execution thereof, as might be brought and recovered had the same contract been made between private persons only.

Commissioners may compound for breach of contracts.

**63.** It shall be lawful for the Commissioners, at a meeting specially called for that purpose, from time to time to compound and agree with any person who has entered into any contract in pursuance or under the authority of this Act, or against whom any action or suit is brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or for or on account of any breach or non-performance of any

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any such contract, bond, or security, for such sum of money or other recompense as the Commissioners think proper.

PART X.

PART XI.  
ACCIDENTS.

PART XI.

**64.** Where in or about any of the railways or any of the works or buildings connected with any of the railways, or any building or place, whether open or enclosed, used in working such railway, any of the following accidents take place in the course of working any of the railways, that is to say—

Commissioners to report accident to Minister.

- (1) Any accident attended with loss of life, or personal injury to any person whomsoever :
- (2) Any collision where one of the trains is a passenger train :
- (3) Any passenger train, or any part of a passenger train, accidentally leaving the rails :
- (4) Any accident of a kind not comprised in the foregoing descriptions, but which is of such a kind as to have caused or to be likely to cause loss of life or personal injury :

the Commissioners shall direct that the earliest information shall be forwarded to the Minister, and as soon as practicable thereafter full information of the accident and the report of the officers appointed by the Commissioners to hold an inquiry into the matter.

**65.** Where it appears to the Minister, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Governor in Council may by order direct such investigation to be held, and with respect to such investigation the following provisions shall have effect:—

Governor in Council may direct formal investigation.

- (1) The Governor may by the same or any subsequent order direct a Special Magistrate or other person or persons named in the same or any subsequent order to hold the same with the assistance of assessors named in the order :
- (2) The persons holding any such formal investigation (hereinafter referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned :
- (3) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and in addition the following powers, namely:—

Persons by whom the inquiry is to be held.

Inquiry to be held in open court.

Powers of persons conducting inquiry.

(a) They

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## PART XI.

May personally  
inspect.

(a) They may enter and inspect any place or building the entry and inspection whereof appears to them requisite for the said purpose:

Call witnesses, &c.

(b) They may, by summons under their hands, require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as they think fit to make:

Call for production of  
books, &c.

(c) They may require and enforce the production of all books, papers, and documents which they consider important for the said purpose:

Administer oaths.

(d) They may administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him on his examination:

Expenses of  
witnesses.

(e) Every person so summoned, not being a person engaged in the Railway Service or otherwise connected with it shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Master of the Supreme Court, who on request under the hands of the members of the court shall ascertain and certify the proper amount of such expenses:

Persons holding  
inquiry to make  
report to Governor in  
Council.

(4) The court holding an investigation of any accident shall make a report to the Governor in Council stating the causes of the accident and all the circumstances attending the same, and any observations thereon or on the evidence or on any matters arising out of the investigation which they think right to make to the Governor in Council who may cause every such report to be made public in such manner as he may think expedient.

Limit of damages  
recoverable.

**66.** Notwithstanding anything contained in the Act, No. 17 of 1874, intituled "An Act to provide for the Recovery of Damages caused by Negligence on the part of Persons employed by the Government of South Australia in certain cases," no person, nor the representatives or relatives of any deceased person, shall be entitled to recover from the Commissioners by reason of any injury sustained by any such person whilst being carried on any railway vested in the said Commissioners, or whilst being in, upon, or about any station, yard, land, or premises vested in the said Commissioners, as a passenger travelling upon any such railway or as an employé on such railway, whether such injury arose from negligence or otherwise, in excess of the sum of One Thousand Pounds, except under an insurance ticket issued by the Commissioners as hereinafter provided.

Insurance tickets to  
be issued at railway  
stations.

**67.** Tickets providing for compensation in case of injury by accident sustained by any person as mentioned in the section 64 of  
this

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this Act, shall be issued at all railway stations where railway tickets are issued, on all railways vested in the Commissioners.

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**68.** Such tickets shall be issued at specified rates, by the Commissioners, or by some assurance office to be approved by the Commissioners, and the amount of compensation payable by the Commissioners, in respect of injury sustained by any individual, and whether under one or more than one insurance ticket, shall in no case exceed Five Thousand Pounds.

Insurance tickets by whom issued.

Limit of amount.

**PART XII.****PENALTIES AND PROCEDURE.****PART XII.**

**69.** If any person without reasonable excuse (proof whereof shall lie on him) does any of the following things, namely:—

Disobedience of person summoned as witness.

(1) Having been summoned and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before a court holding an investigation under this Act, or fails when required by such court in pursuance of this Act so to do, to make any answer or to give any return or to produce any document or to make or sign any declaration; or

(2) Prevents or impedes such court in the execution of their duty—

he shall for every such offence incur a penalty not exceeding Ten Pounds, and in the case of a refusal to make any return or produce any document, a penalty not exceeding Ten Pounds during every day that such failure continues; and where the offence consists of preventing or impeding as aforesaid any member of such court or any person called by him to his assistance, may seize and detain the offender until he can be conveniently taken before a court of summary jurisdiction, to be dealt with according to law.

**70.** If any Commissioner be in anywise concerned or interested in any bargain or contract made by or on behalf of the Commissioners, or in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising from the same, he shall be guilty of a misdemeanor, and on conviction thereof be liable, in the discretion of the court, to a penalty not exceeding Five Hundred Pounds, or to imprisonment for any term not exceeding three years, or to both of these punishments.

Commissioner personally interested in contracts to be guilty of a misdemeanor.

**71.** If any person employed by the Commissioners exact, take, or accept on account of anything done by virtue of his office, or in relation to the functions of the Commissioners, any fee or reward whatsoever other than the salary, rewards, or allowances allowed or sanctioned by Parliament, or be in anywise concerned or interested in any bargain or contract made by or on the behalf of the Commissioners,

Officer taking fees to forfeit Fifty Pounds, or two years' imprisonment.

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missioners, otherwise than as a member only, but not as a director or officer of any registered, incorporated, or joint-stock company with whom any such bargain or contract may be made, he may be removed from office, and in case of such removal shall be incapable of being afterwards employed by the Commissioners, and shall also be guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the Court, to a penalty not exceeding Fifty Pounds, or to be imprisoned for any period not exceeding two years.

Summary recovery  
against persons failing  
to account.

**72.** If any officer or employé fail to render an account, as required by section 21 of this Act, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if after being thereunto required he fail to deliver up to the Commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things in his possession or power relating to the execution of this Act or belonging to the Commissioners, then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before a Special Magistrate and two or more Justices at a time and place to be set forth in such summons to answer such charge, and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him or left at his last known place of abode, such Special Magistrate and Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such officer or upon evidence or upon inspection of the account that any moneys of the Commissioners are in the hands of such officer or owing by him to the Commissioners, such Special Magistrate and Justices may order such offender to pay the same, and if he fail to pay the amount it shall be lawful for such Special Magistrate and Justices to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

Penalty on officer  
refusing to deliver  
up documents.

**73.** If any officer neglect or refuse to make out any such account in writing, or to produce and deliver to the Special Magistrate and Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Commissioners, such Special Magistrate and Justices may lawfully commit such offender to gaol, there to remain until he have delivered up all the vouchers and receipts (if any) in his possession or power belonging to the Commissioners: Provided always that if any Commissioner or other person acting on behalf of the Commissioners make an oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe that it is the intention of any such officer as aforesaid to abscond, or that he has absconded, it shall be lawful for the Justice before whom the complaint is made, instead  
of

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of issuing his summons, to issue his warrant for bringing such officer before such Special Magistrate and two Justices as aforesaid, but no person executing such warrant shall keep such officer in custody longer than forty-eight hours without bringing him before some Justice; and it shall be lawful for the Justice before whom such officer may be brought either to discharge such officer if he think there is no sufficient ground for his detention or to order such officer to be detained in custody, so as to be brought before a Special Magistrate and two Justices at a time and place to be named in such order, unless such offender give bail to the satisfaction of such Justice for his appearance to answer the complaint of the Commissioners.

Warrant may be issued in the first instance for absconding officer.

**74.** No such proceeding against or dealing with any such officer as aforesaid shall deprive the Commissioners of any remedy which they might otherwise have against any surety of such officer.

Commitment not to discharge sureties.

**75.** The officer at the head of each branch of the Railway Service shall have the power to suspend, or to fine in a sum not exceeding Five Pounds, to be deducted from his pay, or to reduce in rank, position, or grade, and pay, under regulations to be made in that behalf, any employé in his branch for misconduct, or for breach of the rules or of any regulation of the Railway Service, but such employé shall have the right of appeal to the Commissioners.

Power to fine or reduce in rank any employé.

**76.** Any officer in charge of a station on any of the railways shall have the power to temporarily suspend at such station any employé of inferior rank, position, or grade until the officer at the head of such employé's branch has dealt with the suspension of such employé. Any charge brought against any employé for the breach of any rule or regulation, or for misconduct, may be investigated and dealt with by the Commissioners, who may suspend such employé, or if he have been already suspended by the officer at the head of his branch, or other officer, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine upon such employé, to be deducted from his pay, or may dismiss him, and their decision shall be final.

Employés guilty of misconduct, how dealt with.

**77.** The Commissioners shall hear, and shall determine, any appeal made by any employé against the adoption or confirmation of the advice or decision of the officer at the head of his branch with regard to his right to promotion, or with respect to any charge made against such employé, or with respect to any fine imposed by him, and may confirm or modify such decision, or make such order as they think fit, and their decision shall be final. Every such appeal shall be heard within thirty days from the date of the appeal being lodged with the said Commissioners.

Commissioners to hear appeals.

**78.** All actions to be brought against the Commissioners or against any person for anything done or purporting to have been done under this Act, shall be commenced within six months after the

Actions against Commissioners or officers.

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the act complained of was committed, or the damage was sustained, and no writ shall be sued out against, nor any copy of any process served upon the Commissioners or against any person for anything done or purporting to have been done by them or him under this Act, until notice in writing of such intended writ or process has been delivered to them or him, or left at the office of the secretary, or at the usual place of abode of such person, by the agent or attorney of the party who intends to cause the same to be sued out or served, at least one month before the suing out or serving the same. Such notice shall clearly and explicitly set forth the nature of the intended action and cause thereof, and on such notice shall be endorsed the name and place of abode of the party intending to bring such action, and the name and place of business of his attorney or agent; and the defendant in every such action may plead the general issue, and at the trial thereof give this Act and the special matter in evidence. No plaintiff shall recover in any such action if tender or sufficient amends have been made before such action was brought, or if a sufficient sum of money have been paid into Court after the commencement of such action by or on behalf of the defendant, and if the matter or thing complained of appear to have been done under the authority and in execution of this Act, or if any such action be brought after the time limited for bringing the same, or such notice have not been given as aforesaid, then the jury shall find or judgment shall be given for the defendant or a nonsuit may be entered.

Defendant may plead general issue.

Executions not to issue for fourteen days.

**79.** No writ of execution shall be issued against the Commissioners, except in respect of goods and chattels vested in them under the provisions of this Act, nor until fourteen days next after final judgment has been completely signed; and no railway and no real estate now or hereafter vested in the Commissioners shall be liable to be sold under any writ of execution or other process of any Court.

Prosecutions and recovery of penalties.

**80.** Every offender against any of the provisions of this Act, or against any by-laws made thereunder, may, where no other mode of procedure is by this Act provided, be prosecuted, and every fine, forfeiture, or penalty incurred under this Act or such by-laws, be imposed and recovered, in manner provided by Ordinance No. 6 of 1850, entitled "An Act to facilitate the performance of duties of Justices of the Peace out of sessions, with respect to summary convictions and orders," and every information for an offence against any of the said provisions or by-laws may be heard and determined by a Special Magistrate or two Justices of the Peace for the said province.

Persons liable for penalties.

**81.** Every fine or penalty imposed by this Act, or by any by-law made thereunder, may, in case the person actually committing any breach of such Act or by-law is not an officer or employé of the Commissioners, be enforced either against the person actually committing



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committing such breach, or the person in whose employment he was, or on whose behalf he is acting, at the time of such breach.

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## PART XIII.

PART XIII.

## EVIDENCE.

**82.** All notices, requisitions, orders, regulations, appointments, certificates, certified copies, and other documents in writing, signed by the secretary to the Commissioners, or some other officer nominated for that purpose by the Commissioners, and all certified copies of the minutes of proceedings and of entries in the Record Book, signed by such secretary or officer as aforesaid, shall be deemed sufficient evidence thereof, and in the absence of evidence to the contrary, without proof of the authority of the person signing the same or of the signature thereto.

Documents signed by the proper officer of the Commissioners to be *prima facie* evidence.

**83.** The production of the *Government Gazette* containing any by-law or regulation made under or enacted by this Act or any Act incorporated herewith, or a printed copy, or written copy purporting to be signed by the secretary to the Commissioners, or some other officer nominated for that purpose by the Commissioners, of any such by-law or regulation, shall be *prima facie* evidence that such by-law or regulation has been made and that it is still in force.

Proof of by-laws.

**84.** The production of the *Government Gazette* containing the list of persons employed in the Railway Service, as required by section 29 of this Act, or any notices of appointments, retirements, removals, or dismissals, shall be conclusive evidence of the truth of the contents of such list, or of the fact of such appointments, retirements, removals, or dismissals.

Proof of list of officers.

**85.** The exhibiting on boards of the substance of any by-laws and lists of tolls, fares, and charges, in accordance with section 105 of the "Railways Clauses Consolidation Act," shall be deemed to have been complied with if it be proved that at the time of the alleged breach a board was exhibited in accordance with said section at the station, pier, wharf, jetty or other place where tolls, fares, or charges were payable nearest to the place where such breach took place.

Proof of exhibition of by-laws.

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

WM. C. F. ROBINSON, Governor.