



ANNO TERTIO

EDWARDI VII REGIS.

A.D. 1903.

No. 843.

An Act to provide for the Construction of a Railway from Wandilo to near Glencoe, and for other purposes.

[*Assented to, October 30th, 1903.*]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as "The Wandilo and Glencoe Railway Act, 1903," and The District Councils Act and the Acts mentioned in the First Schedule hereto, so far as the same are severally applicable, shall be incorporated herewith.

Short title and incorporation.

2. In this Act, except where the subject-matter, or context, or other provisions hereof require a different construction--

Interpretation.

"Commissioner" shall mean The South Australian Railways Commissioner:

"Cost of the railway" shall mean and include:

- i. The cost of constructing the railway:
- ii. The cost of purchasing or otherwise acquiring the land required for the railway, and of compensating persons interested in such land or injuriously affected by the construction:
- iii. The cost of such additional rolling-stock (if any) as may be considered requisite for the railway:
- iv. Other incidental expenses (if any) in respect of the above-mentioned matters:

"Council" shall mean the District Council of the District concerned:

"District

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“District Council District” shall mean a District under The District Councils Act:

“Railway” shall mean the railway to be constructed in pursuance of this Act:

“Railway District” shall mean the Railway District constituted by this Act:

“Ratepayer” shall mean a ratepayer within the meaning of The District Councils Act:

“The District Councils Act” shall mean “The District Councils Act, 1887,” and all Acts amending the same or substituted therefor:

“Year” shall mean a year ending on the thirtieth day of June.

Power to construct railway.

3. Subject to the provisions hereinafter contained, the Commissioner may construct and maintain a railway from Wandilo to near Glencoe, together with all proper works and conveniences connected therewith, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, at Adelaide, on the twenty-first day of October, one thousand nine hundred and three, and in the plan in the Fifth Schedule hereto, or as may be delineated in any plans that may hereafter be so deposited, pursuant to any law for the time being in force as to the deposit of such plans: Provided that in case the Houses of Parliament shall not be sitting when any plans and books of reference shall be 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 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 upon their next sitting.

Tenders to be called for.

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

Power to construct railway though no tender accepted.

5. The Commissioner may construct the railway although no tender therefor shall have been accepted.

Gauge, &c., and cost of railway.

6. The gauge of the railway shall be three feet six 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 forty pounds to the yard. The total cost of the railway, including rolling-stock, shall not exceed Seventeen Thousand Seven Hundred Pounds.

Fares, tolls, and charges.

7. Subject to the provisions hereinafter contained, 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, and charges

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as may from time to time be fixed in manner prescribed by any Act or Acts under which the Commissioner may fix such fares, tolls, or charges in respect of the railways under his control.

8. Subject to the provisions of this Act, all fares, tolls, rents, dues, charges, and sums of money which may at any time be received and levied under authority hereof shall be from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said State.

Appropriation of fares, tolls, &c.

9. The area of land defined in the plan in the Fifth Schedule hereto, and comprised within the blue line shown on such plan, is hereby constituted a Railway District for the purposes of this Act, and shall be called "The Glencoe Railway District."

Constitution of "The Glencoe Railway District."

10. 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 of the Councils of the Districts of Tantanoola and Mount Gambier West, respectively, to a poll of the ratepayers within the District of such Council who are assessed in respect of the land within the Railway District. A poll in pursuance of this section shall be valid although taken after the expiration of the said three months.

Question to be submitted to poll of ratepayers

11. Every poll of ratepayers under this Act shall be taken by ballot:—

Provisions for poll.

- i. The Council shall appoint a Returning Officer, who shall, *mutatis mutandis*, have all the powers conferred by The District Councils Act, or "The Ballot Act, 1862," on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll:
- ii. The Council shall appoint a polling-place for such poll, and where the District is divided into wards shall appoint a polling-place in each ward. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling-booth at seven o'clock in the afternoon shall have had an opportunity of voting, and shall then close:
- iii. Two scrutineers, to be present at the voting at each polling-place, shall be appointed by the Council:
- iv. At every poll the Returning Officer, if it shall appear to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the several polling-places of the District; and the same shall be so divided and allotted into compartments as to the Returning Officer may seem most convenient; and the Returning Officer shall, before the day fixed for taking the votes, cause to be furnished for use at each polling-place a copy of the assessment-book,

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so far as it relates to ratepayers entitled to vote, or of that portion thereof which contains the names of the ratepayers entitled to vote, and assessed for property in the ward in which such polling-place is situated, and shall, under his hand, certify such copy to be a true copy:

- v. Each ratepayer entitled to vote may vote on a scale according to the amount of value at which he is assessed, as follows:—Twenty-five Pounds or under, one vote; over Twenty-five Pounds to Thirty-five Pounds, two votes; over Thirty-five Pounds to Forty-five Pounds, three votes; over Forty-five Pounds to Fifty-five Pounds, four votes; over Fifty-five Pounds to Sixty-five Pounds, five votes; over Sixty-five Pounds upwards, six votes. No person shall have more than six votes. Both the owner and the occupier may vote in respect of any ratable property:
- vi. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the assessed value of the property shall exceed Seventy-five Pounds, and then one other joint tenant, or tenant in common, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds, of assessed value, on the same scale as is allowed for the first Seventy-five Pounds, or the fractional part thereof; and joint tenants, or tenants in common entitled, may vote in the order in which they shall tender their votes, until votes shall have been taken for the whole assessed value, or all the joint tenants, or tenants in common, shall have voted:
- vii. Except as by this Act otherwise provided, no person shall have more than one vote:
- viii. Every person entitled to vote shall present himself to the Returning Officer, or his Deputy, at the polling-place for the District, or for the ward in respect of which such person claims to vote, and state his Christian and surname, abode, profession or occupation, the nature of his qualification, and the place where the property or qualification 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 the portion thereof in use at the polling-place, and hand such voter a voting-paper for every vote to which he shall be entitled, which voting-paper shall bear the initials of the Returning Officer, or Deputy, and the following sentences:—

“ I approve of the Glencoe railway being constructed in pursuance of “The Wandilo and Glencoe Railway Act, 1903”:

“ I object to the Glencoe railway being constructed in pursuance of “The Wandilo and Glencoe Railway Act, 1903”:

And

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And shall have a square printed opposite each such sentence, and nothing else shall be inserted in, or placed on, such voting-paper :

- ix. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting paper or papers, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within one of the squares on his voting-paper, or on each of his voting-papers, as the case may be, opposite the sentence which expresses his wish, and shall then fold the paper or papers and immediately deliver it or them so folded to the Returning Officer or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them in a box to be provided for that purpose; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it be so folded as to render it impossible for the Returning Officer, his Deputy, or any other person, to see which way the vote is given:
- x. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling-booth or room, shall be guilty of a misdemeanor :
- xi. Any voter may signify to the Returning Officer or his Deputy that, by reason of blindness or defective eyesight, he is unable to vote without assistance; and thereupon such Officer or Deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box :
- xii. The only persons who shall be allowed to remain in the polling booth or room shall be the persons about to vote, the Returning Officer, the Deputy Returning Officer, and the scrutineers :
- xiii. No inquiry shall be permitted at any 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
and as the owner (*or* occupier) of the property set opposite your name in the assessment-book now in force for this District ?
- (2) Have

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(2) Have you already voted at the present poll ?

(3) Are you the owner within the meaning of “The District Councils Act, 1887” (or other Act in force relating to District Councils) (or the occupier), of the property for which you now claim to vote ?

And no person shall be entitled to vote unless his answer to the first and third questions, or such of them as shall be put to him, shall be in the affirmative, and to the second, if put, in the negative ; and any person who shall wilfully make a false answer to either of such questions shall be guilty of a misdemeanor :

- xv. Every person who shall vote a second time, or offer to vote a second time at any poll, or who shall personate any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months :
- xv. Immediately before taking the votes the Returning Officer, or Deputy Returning Officer, shall exhibit the ballot-box empty ; and shall, immediately upon the close of the voting, publicly close and seal the box containing the voting-papers which shall have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer ; and any Returning Officer or Deputy Returning Officer who shall unlawfully tamper with any ballot-box or voting-paper shall be guilty of a misdemeanor, and be liable to imprisonment for a term not exceeding six months :
- xvi. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the poll, and shall, in the presence of one at least of the scrutineers, and of as many more as choose to be present, open all the boxes containing voting-papers delivered in at the taking of the poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses against both of the above-mentioned sentences, or shall contain anything other than such matters as are hereinbefore prescribed for such voting-papers ; and shall openly declare the general state of the votes at the close of the poll, as the same shall be made up by him from the voting-papers taken at the several voting-places ; and shall declare the result of the poll :
- xvii. All voting-papers shall be destroyed by the Returning Officer immediately after the declaration of the result of the poll.

Certificate of result
of poll.

12. The result of each poll shall be embodied in a certificate under the hand of the Returning Officer in the form of the Second Schedule

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Schedule to this Act, or in a form to the like effect. The certificates shall be published in the *Government Gazette*, which shall be conclusive evidence of such result, and of the validity of the poll, and the performance of all conditions precedent thereto.

13. If the results of such polls be that two-thirds or more of the votes of all the ratepayers voting approve 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 the order shall be published in the *Government Gazette*. The railway shall not be constructed unless and until such order shall be so published.

Order for construction of railway in pursuance of this Act.

14. A statement of the cost of the railway, when the same shall be completed, shall be published by the Commissioner in the *Government Gazette*, which shall be conclusive evidence of such cost.

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

15. The carriage of all goods on the railway shall be charged for at the rate of not less than Three Shillings and Six Pence per ton. The sum of One Shilling per ton in respect of all such goods shall be carried by the Commissioner to a fund to be constituted for the Railway District.

Rate for carriage. Constitution of fund.

16. 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 *Government Gazette* within three months after the end of the year.

Separate accounts of railway.

17. If in any year the receipts in respect of the railway, after carrying the Shilling per ton to the fund, shall be more than sufficient to pay the working expenses in respect of the railway and interest at the rate of three and a half per centum per annum on the cost of the railway, the surplus shall be carried by the Commissioner to the said fund.

Surplus receipts to be carried to fund.

18. If in any year the receipts in respect of the railway, after carrying the Shilling per ton to the fund, shall not be sufficient to pay the working expenses in respect of such railway and interest at the rate of three and a half per centum per annum on the cost of the railway, the deficiency shall be made good out of the said fund and, so far as such fund shall not extend, by the District Council of Tantanoola and the District Council of Mount Gambier West, in manner hereinafter provided.

Deficiency to be made good by fund or District Councils.

19. When any sum shall be required from the said District Councils to make good a deficiency under section 18—

Commissioner to make requisitions.

- i. Each of the said District Councils shall, on the request of the Commissioner, furnish to him a certificate under the hand of the chairman of the Council showing the assessed value of the ratable property in its District and situated within the Railway District.

ii. The

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11. The Commissioner shall apportion the sum required between the said District Councils in proportion to the assessed value, according to the District Council assessment for the time being in force, of the ratable property comprised in the Railway District and situated in the District of each such Council; and shall forward to the clerk of each such Council a requisition under the hand of the Commissioner for the proportion of the required sum chargeable to such District Council, according to the Commissioner's apportionment:

111. Every such requisition shall be published in the *Government Gazette*, which shall be conclusive evidence of the validity of the requisition, and of the due performance of all conditions precedent thereto, and to the declaring of a rate under the provisions hereinafter contained.

Council to declare rate.

20. Upon any such requisition being so forwarded, the Council concerned shall forthwith declare a rate sufficient to produce the sum mentioned in the requisition.

Railway rate, how to be declared.

21. 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 Council District and comprised within the Railway District.

Use or transcription of existing assessment-book.

22. 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 shall appear just in any case where only part of the property comprised in one assessment shall be situated within the Railway District.

Railway rate to be entered in assessment book.

23. The railway rate when declared shall be entered in Part II. of the assessment-book, and so that particulars, similar to those required in the case of other rates made by the Council, shall be entered in a proper column opposite the names of the rate-payers 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.

Additions to or alterations of assessment-book.

24. The Council may make such additions to or alterations in the form of Part II. of the assessment-book used for the railway rate as shall be expedient for carrying out the purposes of this Act.

Notice of railway rate.

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

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26. If, within two years from the publication in the *Government Gazette* of a requisition upon either of the said District Councils as hereinbefore provided, the amount of the requisition shall not be paid to the Commissioner, he may publish in the *Government Gazette* a notice in the form in the Fourth Schedule hereto, or in a form to the like effect.

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

27. Upon such publication all the rights and powers of the Council in reference to the recovery of the railway rate or rates mentioned in the notice, or for the letting or sale of land for non-payment of such rate or rates, shall be transferred to and vested in the Commissioner; and the Commissioner, or any person authorised by him in that behalf, may exercise any power or do any act which could before such publication have been exercised or done in reference to the recovery of any such rates by any district clerk, collector, receiver, or other officer of or person acting under the authority of the Council.

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

28. If any railway rate shall not within one year from its declaration produce the required sum, the Council shall from time to time declare another railway rate until the required sum shall be produced; and all the provisions of this Act with regard to a rate declared under section 20 shall, so far as applicable, apply to a rate under this section.

Supplementary railway rates.

29. If any railway rate shall produce 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 under this Act; and so much thereof as shall not be required for that purpose within five years from the declaration of the rate shall be applied from time to time towards payment of any District Council rate due in respect of the ratable property on which the railway rate shall have been paid.

Application of surplus of railway rate.

30. All the provisions of The District Councils Act, 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 under this Act.

Application of District Councils Act to railway rates.

31. The *Government Gazette* containing a notice of the declaring of a railway rate in the form in the Third Schedule hereto, 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.

Government Gazette, evidence of railway rate.

32. The moneys received by a railway rate shall, up to the amount for which the Commissioner shall have made a requisition, be paid to him by the Council.

Payment of railway rate to Commissioner.

33. The

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Government Gazette
to be evidence of
statement, &c.

33. The *Government 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; 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.

GEORGE R. LE HUNTE, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

“The Lands Clauses Consolidation Act.”

Act No. 26 of 1855-6, to amend “The Lands Clauses Consolidation Act.”

“The Lands Clauses Consolidation Amendment Act, 1881.”

“The Railways Clauses Consolidation Act.”

Act No. 6 of 1858, to amend “The Railways Clauses Consolidation Act.”

“The Railways Clauses Act, 1876.”

“The South Australian Railways Commissioners Act, 1887.”

“The South Australian Railways Commissioners Act Amendment Act, 1894.”

All other Acts passed, or hereafter to be passed, amending any of the said Acts, or substituted therefor.

THE SECOND SCHEDULE.

THE GLENCOE RAILWAY.

I, [*name of Returning Officer*], certify that a poll taken on the _____ day of _____, 19____, in the District of Tantanoola (*or* Mount Gambier West) on the question whether the above-mentioned railway should be constructed in pursuance of “The Wandilo and Glencoe Railway Act, 1903,” resulted as follows:—

Number of votes in approval of the line being so constructed ..

Number of votes in objection thereto

Total number of votes.....

Dated this _____ day of _____, 19____.

[*Signature*] Returning Officer

THE THIRD SCHEDULE.

NOTICE OF RAILWAY RATE.

At a meeting of the District 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 of _____ which is situated within The Glencoe Railway District; and all persons liable are required to pay the amount of the rate, according to the assessment, to the District Clerk (*or* Collector *or* other officer) at the district office.

Dated this _____ day of _____, 19____.

[*Signed*] A. B.,

Chairman of the District Council (*or* District Clerk).

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THE FOURTH SCHEDULE.

THE GLENCOE RAILWAY DISTRICT.

District of

Notice is hereby given that all moneys unpaid in respect of the railway rate (or rates) declared by the District Council 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____.

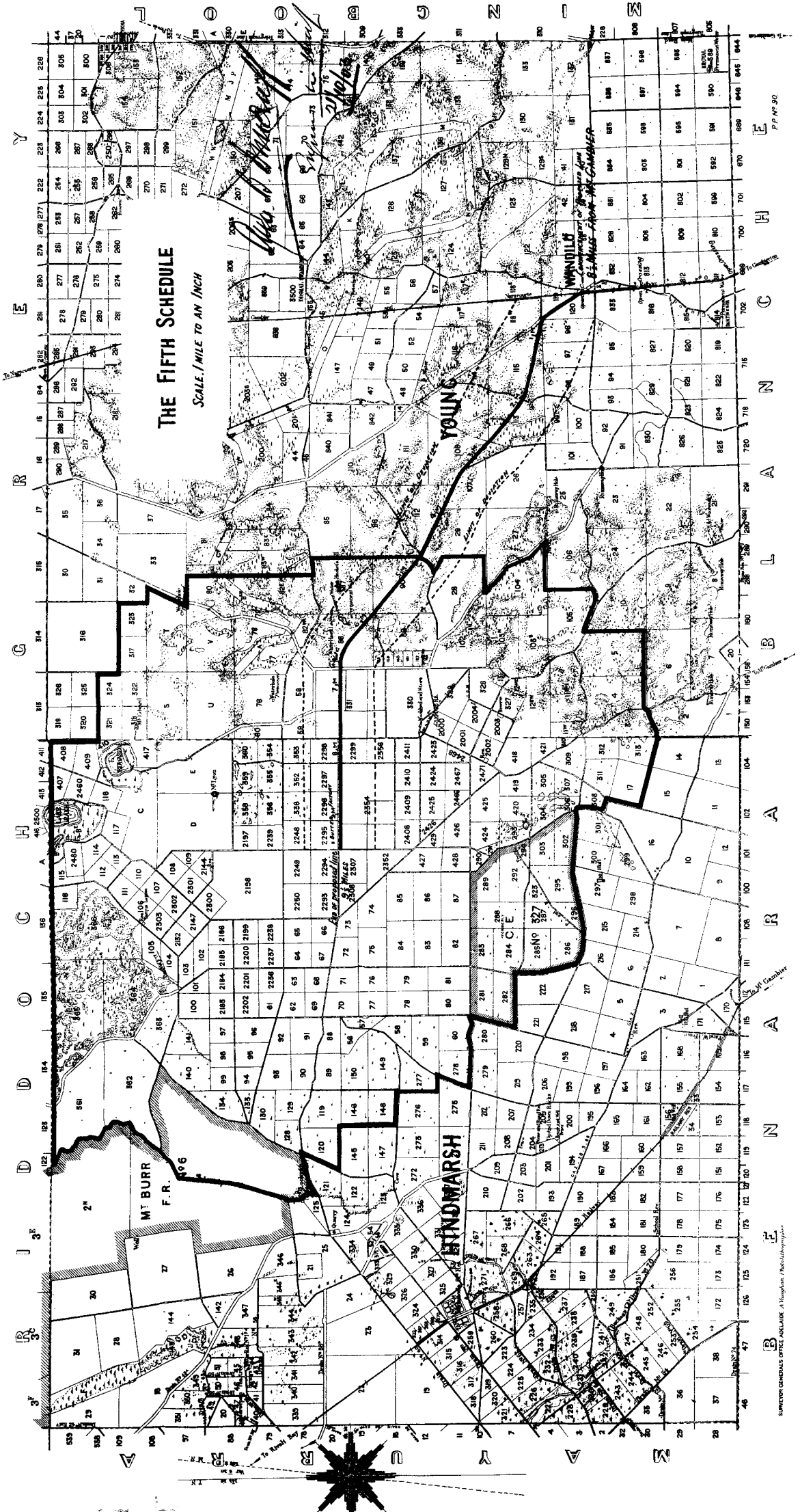
[*Signature of Commissioner*]

The South Australian Railways Commissioner.

 THE FIFTH SCHEDULE.

[PLAN.]

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THE FIFTH SCHEDULE
SCALE 1 MILE TO AN INCH

WANNILLA

BEND MARSH

MOUNT BURR
F.R. 1916

W. J. M. M. M.

W. J. M. M. M.