



ANNO VICESIMO QUINTO ET VICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1862.

No. 28.

An Act to encourage the formation of Railways northwards from Port Augusta.

[Assented to, 21st October, 1862.]

WHEREAS great public advantage would arise from the construction of a railway from Port Augusta to some point north of the said Port—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. It shall be lawful for the Governor, with the advice and consent of the Executive Council, within five years after the passing of this Act, to enter into and conclude an arrangement with any company of individuals who may be willing to contract to construct a railway for the carriage of passengers, merchandize, and produce between Port Augusta and some point to be fixed in such agreement as the terminus of such railway northwards, according to the terms and conditions herein set forth.

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

2. The agreement, when duly executed by the contracting parties or their representatives, shall constitute the said company the promoters of the undertaking under this Act; and the promoters shall, within two years from the date of the said agreement, construct and open at least twenty miles of the said railway, and shall, five years from the same date, construct and open for public traffic a railway for the carriage of passengers and produce from Port Augusta to a point to be fixed upon, not less than one hundred miles north

Terms.

north of Port Augusta, the termini and direction of such railway to be more fully described in a plan to be deposited in the office of the Surveyor-General prior to the time of making the said agreement.

Construction of railway.

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

Public mails, &c.

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

Electric telegraph.

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

Railway to be kept in efficient repair.

6. The said company shall be bound at all times to keep the said railway, and branches, and whole undertaking in good and efficient repair and working condition; and in case it shall appear to the Governor, upon the report of any inspector, appointed pursuant to the "Railways Clauses Consolidation Act," No. 7 of 1847, that the works in any part are not in good and efficient repair and working condition, it shall be lawful for the Governor, after such notice as to him shall seem fit and proper, and on default by the said company, to direct the necessary repairs and works to be performed at the cost of the said Company, by persons to be appointed by the Governor in that behalf, and the cost of executing such repairs and works, and all charges connected therewith, shall and may be recovered from the said company, at the suit of the Crown, before any competent jurisdiction, in like manner, and by such means as any person aggrieved or otherwise authorized to sue for damages or penalties might employ under the provisions of the said Act.

Grant of lands adjacent to railway to be made to company.

7. The said company shall be entitled to a grant of the land traversed by the said railway for a breadth of two chains; and, further, to grants of blocks of land equal to two square miles for every

every

every mile in length traversed by the said railway, selected on either side of the said railway, and in contiguity with the land granted for the said line of railway; such blocks of land not to exceed twenty square miles in area, and to be in the form of a rectangular parallelogram, no side of which shall be of greater length than twice the length of the shortest side: Provided that all necessary roads, water reserves, and crossings shall be reserved and kept open over and through the said railway and lands at distances not more than five miles apart, for the whole length of the said railway; such crossings to be not less than three chains in width throughout the entire width of land granted.

8. Before granting any land to the said company such reserves and crossings shall be marked out on the ground by the Government. Reserves to be marked before grant.

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

10. Nothing in this Act contained shall be deemed to affect or apply to any right, title, or interest of Her Majesty, Her heirs, or successors, or of any body or bodies politic or corporate, or of any person or persons other than and except such bodies politic or corporate and persons as are mentioned in this Act, and those claiming by, from, or under them respectively. Saving rights of the Crown.

11. The Governor, with the advice and consent of the Executive Council, may, on breach of any of the conditions, provisions, or stipulations, of the said agreement, or of this Act, on address of both Houses of Parliament, declare the said agreement to be absolutely determined, and thenceforth the said railway, and all works connected therewith, shall be forfeited to Her Majesty, Her heirs, and successors. On breach of agreement, same may, on address of Parliament, be determined, and railway, &c., resumed.

12. This Act may be cited as "The Port Augusta and Northern Railway Act, 1862." Short title.

In Her Majesty's name I assent to this Bill.

D. DALY, Governor.