ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 11.

An Act to vest the powers and functions of the South Australian Railway Commissioners in the Commissioner of Public Works, and for other purposes therein mentioned.

[Assented to, 1st September, 1859.]

WHEREAS by an Act of the Governor and Legislative Council of the Province of South Australia, No. 27 of 1855-6, "To authorize the appointment of South Australian Railway Commissioners, and to vest in them the construction of the Adelaide City and Port Railway, and of the Adelaide and Gawler Town Railway, and to authorize the raising of a further sum of Thirty-six Thousand Pounds for the completion of the Adelaide City and Port Railway," it was enacted that it should be lawful for the Governor to appoint South Australian Railway Commissioners to whom the undertakings therein mentioned should be entrusted for execution; and whereas by an Act passed in the twenty-first year of the reign of Her present Majesty, "To authorize and provide for the construction of a Railway from the present Terminus of the Adelaide and Gawler Town Railway to Section 112, in the Hundred of Light, and to confer certain powers on the South Australian Railway Commissioners," certain powers, obligations, and rights were conferred and imposed on the said Commissioners; and whereas by an Act passed in the twenty-second year of the reign of Her present Majesty, "To authorize and provide for the construction of a Railway from the present terminus of the Adelaide and Gawler Town Railway at Section 112, in the Hundred of Light, to Section 1411, in the Hundred of Kapunda, and to confer certain powers on the South Australian Railway Commissioners," certain further powers, functions, obligations, duties, and rights were conferred and imposed upon the before-mentioned
mentioned Commissioners; and whereas it would conduce to the 
more efficient and economical management of the undertakings in 
the said Acts mentioned if the powers, functions, obligations, duties, 
and rights of the said Commissioners, together with the powers of 
leasing, hereinafter contained, were conferred upon the Commissioner 
of Public Works: 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 Pro-
vince, in this present Parliament assembled, as follows—

1. From and after the day on which this Act shall come into 
operation, all the powers, functions, obligations, duties, immunities, 
and rights, by the said Acts, or otherwise, conferred or imposed upon, or 
vested in the South Australian Railway Commissioners, shall be and 
hereby are transferred to and imposed upon and vested in the Commissi-
oner of Railways, and shall be enjoyed, exercised, and performed by 
him, to the same extent, and within the same limitations as they now 
are or have heretofore been enjoyed, exercised, and performed by 
the South Australian Railway Commissioners and the authorities 
given by the said Acts to the Treasurer and the Governor in 
reference to moneys received by the Treasurer, or the advancement 
and payment of moneys, shall extend to the carrying over, advance-
ment, or payment of such moneys to, or to the credit of the Com-
missioner of Railways, in the same manner as if his name had been 
introduced into the said Acts in lieu of the said South Australian 
Railway Commissioners.

2. The Commissioner of Public Works for the time being shall be
the Commissioner of Railways for the purposes of this Act.

3. The Commissioner of Railways shall, from time to time, appoint 
and employ such manager, engineers, clerks, messengers, and other 
officers as he shall think fit, and shall also, from time to time, at 
his discretion, dismiss and discharge such officers, or any of them, 
and appoint others in their place: Provided that the salaries or 
rewards of all persons appointed and employed by such Commissioner 
under the authority of this Act, shall be annually voted by Parliament.

4. All lands, chattels, and effects, belonging to or vested in the 
said South Australian Railway Commissioners, and all moneys due 
and owing to such Commissioners, shall vest absolutely in and be 
paid to and recoverable by the Commissioner of Railways; and all 
contracts entered into with or by the said Commissioners may be en-
forced by or against the said Commissioner of Railways.

5. It shall be lawful for the Commissioner of Railways, from time 
to time, by advertisement in the Government Gazette, and in one or 
more of the daily newspapers, to invite tenders for the renting on 
lease of the said railways, and any branches thereof, and the works 
appertaining thereto, for such periods and upon such terms as may 
appear to him expedient; and, upon receipt of such tenders, to accept 
any
any one thereof, or, at his option, to refuse such tenders; and, upon the acceptance of any such tenders, and security being given to his satisfaction for the due performance thereof, and of any lease to be issued in pursuance thereof, to demise and lease the said railways, branches, and works, and the tills, dues, and charges thereof, and arising therefrom: Provided that every such lease shall contain a covenant on the part of the lessee to provide a conveyance for all military, volunteers, militia, police, and other forces, when proceeding on duty, and for all public mails and public stores, by the ordinary trains free of charge; and, in the event of invasion or civil commotion, to place the whole resources of the railways at the disposal of the Governor, upon requisition, at the charge actually incurred by such lessee.

6. This Act shall take effect from the expiration of one calendar month from the passing thereof.

7. This Act may be cited as "The Railway Commissioner's Act." Short title.

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NOTICE is hereby given, that, in exercise of the powers vested in me by Act No. 11 of 1859, I have this day appointed Edward John Peake, Esquire, to be Manager of Railways.

ARTHUR BLITH,
Commissioner of Railways.

NOTICE is hereby given, that, in exercise of the powers vested in me, by Act No. 11 of 1859, I have this day re-appointed William Hanson, Esquire, as Engineer-in-Chief of South Australian Railways.

ARTHUR BLITH,
Commissioner of Railways.