ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

Private Act.

An Act to authorize the construction, maintenance, and working of Tramways in and between the Townships of Glenelg and Brighton, and places in the neighborhood thereof, and for other purposes.

[Assented to, 21st December, 1877.]

WHEREAS the construction, maintenance, and working of Tramways for steam or horse traction in and between the Townships of Glenelg and Brighton and places in the neighborhood thereof, would be of great local and public advantage: And whereas, a Joint Stock Company has lately been projected by Allan Campbell, George Williams Chinner, James Counsell, George Robert Debney, Joseph Downing, John Hodgkiss, Charles Whitehair Holland, Thomas King, George Strickland Kingston, William Mair, Walter Reynell, William Townsend, and Salvator Rosa Wakefield, hereinafter referred to as the Promoters, and is intended to be formed, registered, limited, and incorporated under “The Companies Act, 1864,” with the objects (amongst others) of constructing, maintaining, and working at its own expense such tramways as are hereinbefore referred to, and of obtaining an Act of the Parliament of South Australia for empowering and better enabling the company to carry out its objects: And whereas it was originally intended that the name of the said Company should be “Glenelg and Brighton Tramway Company, Limited,” but it has since been decided not to adopt the said name: And whereas the authority of Parliament is requisite to enable the company to construct, maintain, and work the said tramways, and it is therefore desirable to confer on the company all rights, powers, privileges, and immunities, necessary or convenient for the construction, maintenance, and working of such tramways: And whereas
plans of the proposed tramways, showing the lines and levels thereof, and the lands required for the purposes thereof, together with a book of reference containing the names of the owners or occupiers, or reputed owners or occupiers of such lands, was deposited in the office of the Surveyor-General, at Adelaide, on the twenty-eighth day of August, one thousand eight hundred and seventy-seven—Be it therefore 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 for all purposes as “Glenelg and Brighton Tramways Act.”

2. Except so far as the same shall be inconsistent with this Act, there shall be incorporated with this Act the Lands Clauses Consolidation Act; the Act No. 26 of 1855-6, intituled “An Act to amend the Lands Clauses Consolidation Act,” and the following portions of the Railways Clauses Consolidation Act, namely—

With respect to the construction of the railway and the works connected therewith, so far as the same relates to the mode and powers of construction, deviations, and correction of errors and omissions; with respect to the temporary occupation of lands near the railway during the construction thereof; with respect to the engines and carriages to be brought on the railway; with respect to the conveyance of mails by railways; with respect to the conveyance of military and other forces on railways; with respect to the settlement of disputes by arbitration; with respect to the provisions to be made for affording access to the Special Act to all parties interested: Provided, however, that nothing in this Act or in the Lands Clauses Consolidation Act, shall be held to authorize or in any way empower the company to compulsorily purchase or acquire any portion of park lands or any other public reserve.

3. In the construction of this Act, unless there shall be something in the subject matter or context repugnant to such meanings—

The meanings which have been assigned by the Lands Clauses Consolidation Act and the Railways Clauses Consolidation Act to certain words and expressions, shall be attributed to such words and expressions wherever they occur herein:

The expression, “the company,” shall mean a company to be formed and registered under “The Companies Act, 1864,” by the promoters, or a majority of them, within ten days from the passing of this Act, for the purpose, amongst others, of acquiring the privileges conferred by this Act: Provided that the capital of the company shall be similar to the capital of the company so projected as hereinbefore mentioned: Provided, also, that the company may be formed and registered by such name as to the promoters, or a majority of them, may appear most desirable: Provided, also,
also, that the written certificate of the Registrar of Companies to be granted on evidence to his satisfaction, shall be conclusive evidence that the Company named in such certificate is the Company referred to in this Act:

The expression, "the Tramways," shall mean the tramways by this Act authorized, or any part thereof, and tramway shall include railway:

The expression, "the deposited plans," shall mean the plan of the tramways and the book of reference thereto hereinbefore referred to:

The expression, "street," shall mean any public street, road, footpath, or place:

The expression, "the street authority," shall mean the persons having the control or management of the street in respect of which such expression shall be used, if the same shall be used in respect of any particular street; but if such expression shall not be used in respect of any particular street, it shall mean any persons having the control or management of any street.

4. Subject to the provisions of this Act, the company may form, lay down, construct, maintain, and work on the lines and levels shown in the deposited plans, the tramways hereinafter described, or such portion thereof as the company may think expedient, with all proper rails, plates, works, sidings, junctions, stations, approaches, and conveniences connected therewith, and may enter upon, purchase, take, acquire, and use such of the lands delineated and described in the deposited plans as they may require for such purposes; and the company may deviate from such lines and levels, but to no greater extent than is permitted by the Railways Clauses Consolidation Act, when the full extent allowed by such Act is delineated in the deposited plans: Provided that the tramways along the Government-road adjoining the sea-beach shall not be raised above the level of three feet above high water mark.

5. The tramways hereinbefore referred to and authorized by this Act are as follows—

A tramway, No. 1, about five miles in length, commencing at or near the north end of Moseley-street, Glencelg; thence running along the same and the Mall, to the southern boundary of the Township of Glencelg; thence on a curve to Tarlton-road, Somerton; thence along Tarlton-road, and on a curve to the Government-road adjoining the sea-beach; thence along the said road to the southern boundary of Section 216, Hundred of Noarlunga.

6. Every tramway line shall be constructed and maintained with two grooved rails, to be laid at a distance of five feet three inches from each other; and the rails used in the construction of every tramway shall be of iron or steel, and of the weight of not less than forty pounds to the yard; and the grooves in such rails shall not exceed one inch and a half in width in the widest part. Provided that subject to the approval of the street authority, in lieu of groove rails...
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rails there may be used rails of the description known as Philadelphia street rails, and until the Government-road along the sand hills adjoining the sea-beach shall be rendered available for general traffic, rails of the description known as Vignoles rails may be used thereon, but not elsewhere.

7. It shall not be lawful for the company to alter the levels of any street without the consent of the street authority.

8. Nothing in this Act contained shall be construed to give the company any right to the soil of any street in which they shall construct any tramway, but they shall have the free use of the portion thereof required to be used for the purposes of this Act.

9. Every tramway shall be constructed and maintained in such a manner so that the rails thereof shall not rise higher than the level of the street, and so as to cause as little impediment as possible to the use of the street by the public for the purpose of traffic; and the public shall at all times be entitled to the free and uninterrupted use of every part of such street, save when any conveyance of the company shall be passing over, or be about to pass over any part thereof or be standing thereon, and then the public shall not be entitled to the use of the part of such street over which such conveyance shall be passing, or be about to pass, or upon which such conveyance shall be standing: Provided that no such conveyance shall stand at any point in any street other than a terminus of the tramways except for the purpose of taking up or setting down passengers: Provided also, that it shall not be necessary for the company in the first instance to construct the tramways laid on the Government-road, adjoining the sea-beach, flush with the level of the street, except as provided by the next section; but immediately the said road shall be rendered available for general traffic, the company shall make the said tramway flush with the said level.

10. In all cases where any public road now or hereafter to be formed, crosses the tramway on the said Government-road, the company shall construct the tramway in the first instance, and always maintain the same at the point of intersection in manner provided by the first part of the preceding section; and they shall, on the request of the street authority, further construct and maintain suitable approaches leading to and from the beach, from and to the said roads across the said tramways, in such a manner and at such a slope, and sloped on both sides to the satisfaction of the street authority, so as to cause no obstruction to traffic along the beach or across the tramways: Provided that the company shall not be bound to construct and maintain any such suitable approaches to the roads which may hereafter be formed at less distances than half a mile apart.

11. Nothing herein contained shall prejudice the power of any street authority to construct approaches leading to and from the beach, from and to any public or private roads which now are or may hereafter be formed leading to the beach across the line of the tramways.

12. The
12. The cars of the company shall be drawn or propelled by horses or engines, but no engine shall travel along any street at a greater speed than twelve miles an hour, unless with the consent of the street authority; neither shall any engine be used in any street without the annual written consent of the street authority.

13. Each car of the company shall be furnished with a brake, which can be worked at each end of the car, and no car shall extend beyond the outer edge of its wheels more than twelve inches at each side, and no car shall travel on the tramways at a speed greater than shall be allowed by law, or by the by-laws of the street authority of the street in which such car shall be travelling, and any person driving any car on the tramways at a greater speed shall be liable to a penalty not exceeding Five Pounds, or to be imprisoned and kept to hard labor for any period not exceeding six calendar months.

14. Nothing in this Act shall limit or affect the power of any street authority to regulate the passage of any traffic along or across any street in which the tramways shall be constructed; and such street authority may exercise any such power as well on as off the tramways, and with respect to the traffic of the company as to the traffic of other persons.

15. Subject to the provisions of this Act, the company may from time to time open and break up any street for the purpose of making, forming, laying down, constructing, maintaining, or renewing the tramways.

16. Whenever the company proceed to open or break up any street—

i. They shall give to the street authority thereof notice of their intention, specifying the time at which they will commence operations, and the portion of street proposed to be opened or broken up, such notice to be given seven days at least before the commencement of operations:

ii. They shall not open or break up any street, except under the superintendence and to the reasonable satisfaction of the street authority thereof, unless such authority refuses or neglects to give such superintendence at the time specified in the company's notice, or discontinues the same during the work.

17. If any person shall wilfully obstruct any person acting under the authority of this Act in the lawful exercise of the powers of setting out, making, forming, laying down, repairing, or renewing the tramways, or shall deface or destroy any mark made for the purpose of setting out the line of the tramways, or shall wilfully damage or destroy any property of the company, he shall for every such offence forfeit to the company a sum not exceeding Five Pounds.

18. The company shall not, without the consent of the street authority thereof, open or break up at any one time and place a greater
greater length than one hundred yards of any street, and they shall
leave an interval of at least three hundred yards between any two places
at which they shall open or break up any street at the same time.

19. As soon as the company have opened or broken up any street—

i. They shall, with all convenient speed, and in all cases within
twenty-one days at the most from the time of opening or
breaking up the same, unless the street authority shall
enlarge such time, complete the work on account of which
they opened or broke up the same, and subject to the
formation, maintenance, and renewal of the tramways, fill in
the ground and make good the surface, and generally restore
the portion of the street so opened or broken up to as good
condition as that in which it was before it was opened or
broken up and to the reasonable satisfaction of the street
authority thereof, and clear away all surplus material, metal,
or rubbish occasioned thereby:

ii. They shall in the meantime cause the place where the street
is opened or broken up to be properly lighted at night for
the protection of man and beast.

20. If the company shall in any respect fail to comply with the
provisions of the preceding section, they shall for every such offence
(without prejudice to any other remedy against them), be liable to a
penalty not exceeding Twenty Pounds, and to a further penalty not
exceeding Five Pounds for each day during which any such failure
shall continue after the first day on which such penalty is incurred;
and all such penalties shall go and belong to the street authority of
the street in question.

21. Nothing in this Act contained shall take away any power for
the time being vested in the street authority to open or break up
any street in which the tramways shall be laid for any necessary
purpose of laying down, repairing, altering, removing, examining,
or inspecting any sewer, gully, gutter, drain, watercourse, defence,
or work; but in the exercise of such power the company and street
authority shall be subject to the following provisions—

i. The street authority shall cause as little detriment or incon-
venience to the company as circumstances will admit;

ii. Before commencing any work whereby the traffic on the
tramways may be interrupted, or whereby the safety of
any persons using the tramways may be endangered, the
street authority shall (except in cases of urgency, in which
cases no notice shall be necessary) give to the company
notice of their intention to commence such work, specifying
the time at which they will commence, and which shall
not be earlier than forty-eight hours after the time of
giving such notice:

iii. If the street authority, for the purpose of enabling them to
execute the work, shall so require by any notice given as
aforesaid,
aforesaid, the company shall either stop their traffic on that portion of the tramway where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work, and the street authority shall thereupon complete the work with all reasonable expedition.

22. Nothing in this Act contained shall take away any power for the time being vested in any persons to open or break up any street on which the tramways shall be laid for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting any pipes for the supply of gas, or water, or any tubes, wires, or apparatus for telegraphic or other purposes; but in the exercise of such power such persons shall be subject to the following restrictions—

1. They shall cause as little damage or inconvenience to the company as circumstances will admit:

2. Before commencing any work, whereby any traffic on the tramways may be interrupted, or whereby the safety of any persons using the tramways may be endangered, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the company notice of their intention to commence such work, specifying the time at which they will commence, and shall not be earlier than forty-eight hours after the time of giving such notice:

3. They shall not execute such work so far as it immediately affects the tramways except under the superintendence and to the reasonable satisfaction of the company, unless the company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the work:

4. If it shall become necessary to remove the tramways from any part of any street to enable any such work to be effected, it shall be lawful for the company to lay down the tramways so removed in some adjacent and convenient position, and after such work shall have been effected, to replace the tramways in their original position, and the cost of such laying down and replacing shall be borne by such persons.

23. For the purpose of making, forming, laying down, maintaining, repairing, or removing any of their tramways, the company may from time to time, where and as far as it is necessary, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, subject to the following restrictions, that is to say—

1. Before laying down or altering a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid (other than private service pipes), the company shall, whether they contemplate altering the position of any such mains or pipes, tubes, wires, or apparatus, or not, give seven days' notice to the person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled,
trolled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such person that the construction of the tramway as proposed would endanger the same, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, such person may give notice to the company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus, in such manner as may be considered necessary; and all alterations to be made under this section shall be made with as little detriment and inconvenience to the person to whom such mains, pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such person or their or his surveyor or engineer, if they or he think fit to attend after receiving not less than twenty-four hours' notice for that purpose, which notice the company are hereby required to give:

II. The company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such person, or do anything to impede the passage of water or gas, or the telegraphic or other communication into or through such mains or pipes, without the consent of such person, or in any other manner than such person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas, or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the company have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas, or other company, or of such person, or in case of disagreement between such surveyor and engineer and the company, as an engineer appointed by the street authority:

III. The company shall not lay down such pipes contrary to the regulations of any Act of Parliament relating to such water or gas, or other company, or relating to telegraphs.

24. Where any of the tramways or any other work connected therewith interferes with any sewer, drain, watercourse, defence, or work, under the jurisdiction or control of the street authority, or with any sewers or works to be made or executed by the street authority, or in any way affects the sewerage or drainage of the district under their control, the company shall not commence any tramway or work until they shall have given to the street authority fourteen days' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such street authority for the time being, with all necessary particulars, nor until such street authority shall have signified their approval of the same,
same, unless they do not signify their approval, disapproval, or other
directions, within fourteen days after the service of the said notice
and particulars as aforesaid; and the company shall comply with and
conform to all reasonable directions and regulations of such authority
in the execution of the said works, and shall provide new, altered, or
substituted works, in such manner as the said street authority shall
reasonably require for the proper protection of and for preventing
injury or impediment to the sewers and works hereinbefore referred
to, or by reason of the tramways, and shall save harmless the street
authority against all and every expense to be occasioned thereby;
and all such works shall be done under the direction, superinten-
dence, and control of the engineer, or other officer or officers of the
street authority, at the reasonable costs, charges, and expenses, in all
respects of the company, and when any new, altered, or substituted
work as aforesaid, or any work or defence connected therewith, shall
be completed by or at the costs, charges, or expenses of the company,
under the provisions of this Act, the same shall thereafter be as fully
and completely under the direction, jurisdiction, and control of the
street authority, and be maintained by them, as the case may be, as
any sewers or works now or hereafter may be.

25. The company shall be answerable for all accidents, damages,
and injuries happening through the act or default of the company
or of any person in their employment by reason or in consequence
of any of the works of the company, and shall indemnify the street
authority and all persons from all damages and costs in respect of
such accidents, damages, and injuries.

26. The company shall at their own expense, at all times,
maintain and keep in good condition and repair, with such materials,
in such manner as the street authority shall direct, and to their satis-
faction, so much of any road whereon any tramway of the company
is laid as lies between the rails of the tramway, and so much of the
road as extends eighteen inches beyond the rails of and on each side
of any tramway of the company.

27. If the company abandon the undertaking, or any part of the
same, and take up the tramways, they shall with all convenient
speed, and in all cases within six weeks at the most (unless the said
street authority otherwise consents in writing), fill in the ground and
make good the surface, and to the satisfaction of the said street
authority restore the portion of road upon which the tramways were
laid, and clear away all surplus paving or metalling, material, or
rubbish occasioned by such work, and they shall in the meantime
cause the place where the street is opened or broken up to be fenced
and watched, and to be properly lighted at night: Provided always
that if the company fail to comply with the provisions of this or the
preceding section, the street authority, if they think fit, may them-
selves at any time after seven days' notice to the company, open and
break up the road and do the work necessary for the paving, repair,
and maintenance of the road to the extent in the said section men

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tioned, instead of the company, and the expense incurred by the
said street authority in so doing shall be repaid to them by the
company.

28. The tramways shall be completed within three years from
the passing of this Act, or within such further time from the end of
such three years, as the Governor by Proclamation published in the
Government Gazette shall see fit to allow.

29. If all the shares of the company shall not be subscribed for
within one calendar month from the passing of this Act, or if the
company shall not be completely formed, registered, and incorpo-
rated within such calendar month, or if the tramways shall not be
completed within three years from the passing of this Act, or within
such further time as may be allowed pursuant to the preceding
section, all the rights and privileges conferred on the company by
this Act shall, except as regards such part of the tramways as shall
then be completed, cease to be exercisable; and all fittings and
materials forming such part of the tramways as shall then be incom-
plete, which shall be found in any street shall be forfeited to and
become the property of the street authority.

30. Every tramway, with the consent of the street authority,
may be constructed with double lines.

31. If any person (except by agreement with the company) shall
wilfully use the tramways for the purpose of driving or propelling
any conveyance thereon, such person shall forfeit and pay to the
company the sum of Twenty Pounds for every such conveyance using
and for every time it uses the tramways.

32. The company and any other person may from time to time
make and enter into, and carry into effect, contracts, agreements,
and arrangements for or with reference to the use by such other
person of the tramways, and the tolls, rates, and charges to be paid
for such use, and the terms and conditions of such user and all
incidental matters.

33. If any person without lawful excuse, the proof whereof shall
lie on him, shall wilfully do any of the following things, namely—

1. Interfere with or remove or alter any part of the tramways or
of the works connected therewith:

2. Place or throw any stones, dirt, wood, refuse, or other material
on any part of the tramways:

3. Do or cause to be done anything so as to hinder or obstruct
any car lawfully using the tramway, or to endanger the lives
of the persons thereon or therein:

4. Hinder or obstruct or endeavor to hinder or obstruct any person
from getting in or out of any car lawfully using the tram-
ways,
ways, either by shepherding or nursing such car or otherwise:

v. Or knowingly aid or assist in the doing of any such thing:

He shall for every such offence, in addition to any proceedings by way of indictment or otherwise to which he may be liable, forfeit to the company a sum not exceeding Twenty Pounds.

34. The company shall at all times keep the tramway in good repair and working order; and after the expiration of the period allowed for the construction of the tramways, the company shall provide cars in sufficient numbers to travel along the tramways from Glenelg to Brighton at least six times each way every day, between the hours of six in the morning and twelve in the night; unless prevented by circumstances for which they cannot reasonably be held responsible.

35. In each year after the year one thousand eight hundred and eighty the Company shall pay to the street authorities of the streets in which they shall construct the tramways rates calculated on the amount of profits divided amongst the shareholders of the company during the preceding year as the annual value of the tramways, in the same manner as rates declared and levied on rateable property, by virtue of the Municipal Corporations Act, 1861, and such rates shall form portion of the general revenue of such street authorities. The said rates shall be apportioned between and paid to the street authorities in the proportions which the length of the tramways constructed in the streets of each street authority shall bear to the whole length of the tramways constructed in streets.

36. Except as in the preceding section provided, neither the tramways nor any works connected therewith, nor the cars, engines, horses, rolling-stock, or other things used in working the tramways, shall be liable to the payment of any municipal, district, or other rates whatever.

37. At any time after the expiration of seven years from the passing of this Act, and within six months thereafter, and at any time after the expiration of any period of seven years thereafter, and within six months after any such period, it shall be lawful for the Governor to purchase the tramways and the whole undertaking on giving to the company six calendar months' notice in writing of such intention on payment to the company of an amount to be ascertained as follows, that is to say—

Two arbitrators shall be appointed by the Governor and two arbitrators by the company, and all matters relating to such purchase shall be submitted to the decision of such arbitrators; and in all other respects, such arbitration shall be conducted in accordance with and under and subject to the Railways Clauses Consolidation Act with respect to the settlement of disputes by arbitration, provided that the Governor shall not
not be compelled to complete the purchase if one month at least before the making of the award he shall give to the company written notice of his election not to complete, and thereupon the company may continue to work the tramways, and the Governor shall pay to the company costs of and incidental to the reference and award.

38. The company may demand and take for every passenger conveyed upon the tramways for the use of the tramways and cars, and for motive power, and every other expense incidental to the conveyance of such passenger, any tolls or charges not exceeding the sum of twopence per mile, but so that for every passenger conveyed for a distance less than three miles, the company may demand and take tolls and charges as for three miles; and for every fraction of a mile beyond three miles, or beyond any greater integral number of miles, the company may demand and take tolls and charges for one mile.

39. The company may demand and take for all animals and goods carried on the tramways, including tolls for the use of the tramways, and of cars, waggons, and trucks, and for motive power and every other expense incidental to such carriage (except a reasonable charge for loading and unloading such animals or goods, and for removal, delivery, and collection thereof, and for any other service incidental to the business or duty of a carrier, where any such service shall be performed by the company) any tolls or charges not exceeding the following—

For every horse, ass, mule, or any other beast of burthen, sixpence per mile:

For every bull, ox, cow, or neat cattle, twopence per mile:

For every calf, sheep, lamb, goat, dog, pig, or other small animal, one penny per mile:

For all other goods, one shilling per ton per mile:

Provided, nevertheless, that with respect to small parcels not exceeding in weight one hundred and twelve pounds each, and also with respect to single articles of great weight, the company may demand and take any tolls or charges not exceeding the following—

For every parcel not exceeding twenty-eight pounds in weight, three halfpence per mile:

For every parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, twopence per mile:

For every parcel exceeding fifty-six pounds and not exceeding one hundred and twelve pounds in weight, threepence per mile:

For every additional one hundred and twelve pounds weight of any article after the first one hundred and twelve pounds and up to one ton, threepence per mile:

Provided also that articles sent in large aggregate quantities, such
as bags of sugar, coffee, meal, and the like, shall not be deemed small
parcels, but the term small parcels shall apply only to single parcels in
separate packages; and for the carriage of any single article, the
weight of which shall exceed one ton, the company may demand
and take such tolls and charges as they may think fit.

40. The following provisions shall apply to the fixing of all tolls
and charges payable under the preceding section—

For all animals or goods conveyed on the tramways for a distance
less than than three miles, the company may demand and
take tolls and charges for three miles:

For every fraction of a mile beyond three miles or beyond any
greater integral number of miles, the company may demand
and take tolls and charges according to the number of quarters
of a mile contained therein, and if there be a fraction of a
quarter of a mile, such fraction shall be deemed a quarter of
a mile:

For every fraction of a ton, except in the cases of small parcels
and single articles mentioned in the said section, the company
may demand and take tolls and charges according to the number of quarters
of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of
a ton:

The weight of all goods, except stone and timber, shall be
determined according to the usual avoirdupois weight:

For determining the weight of stone, fourteen cubic feet shall
be deemed one ton in weight, and so on in proportion for any
smaller quantity:

For determining the weight of timber not exceeding twenty
feet in length, the following shall be deemed one ton weight—

Forty cubic feet of cedar logs or baulk timber
Fifty cubic feet of deals or boards
Five hundred palings five feet in length
Four hundred palings six feet in length
Thirty-five bundles of imported laths
Thirty bundles of colonial laths.

41. The company may demand and take double the usual tolls
and charges in respect of furniture, musical instruments, and other
light goods measuring more than two and a half cubic feet to one
hundred pounds weight.

42. Every passenger travelling upon the tramways may take with
him his ordinary personal luggage without any charge being made
for the carriage thereof, but so that the weight of such luggage shall
not exceed twenty-eight pounds.

43. The
43. The company shall not be bound unless they shall think fit to carry any animals or goods other than passengers' luggage not exceeding the weight mentioned in the preceding section.

44. The company shall not be bound to have a sufficient staff or appliances for loading or placing in or unloading from or taking out of their stations or cars any animals or goods; but the person wishing to forward the same shall, if required by the company, at his own expense and risk, have the same loaded or placed in the car provided by the company, and shall also if required by the company, undertake to have and have the said animals and goods unloaded from and taken out of such car, and removed from the company's premises at his own expense and risk, and within a reasonable time after the arrival of the car at the place to which the company shall undertake to carry the said animals and goods.

45. The restrictions in this Act contained, as to the tolls and charges which the company may demand and take for the conveyance of passengers, shall not extend to any special car, but shall apply only to the ordinary cars appointed by the company from time to time for the conveyance of passengers.

46. Nothing herein contained shall prevent the company from demanding and taking by agreement, with the owners or persons in charge of any animals or goods carried on the tramways, any tolls or charges in excess of those hereinbefore limited, either by reason of any special services performed by the company in relation thereto, or in respect to the conveyance, by passenger cars, of animals or goods.

47. The owners, consignors, or consignees of animals or goods carried on the tramways, shall remove the same from their place of destination within a reasonable time after their arrival, to be fixed by the company by by-law, and in default of such removal such owners, consignors, or consignees, shall be liable to pay to the company such reasonable charge until such removal, as shall be fixed by the company by by-law.

48. A list of all the tolls and charges authorized by this Act to be taken, and which shall be demanded by the company, shall be exhibited in some conspicuous place in the inside of each of the cars used by the company upon the tramways.

49. The tolls and charges authorized by this Act to be taken, and which shall be demanded by the company, shall be paid to such persons and at such places upon or near the tramways, and in such manner and under such regulations as the company shall, by notice to be annexed to the list of tolls, appoint.

50. If any person travelling, or having travelled, in or on any car of the company shall avoid or attempt to avoid payment of his fare,
or if any person having paid his fare for a certain distance shall proceed in or on any such car beyond such distance, and shall not pay his fare for the additional distance, or shall attempt to avoid payment thereof, or if any person shall refuse or neglect on arriving at the point to which he has paid his fare to quit such car, every such person shall, for every such offence, forfeit to the company a sum not exceeding Forty Shillings.

51. It shall be lawful for any officer or servant of the company, and all persons called by him to his assistance, to seize any person who shall be discovered to be committing any offence in the preceding section mentioned whose name and residence shall be unknown to such officer or servant, and to detain such person until he can be conveniently taken before a Justice, or until he be otherwise discharged by due course of law.

52. No person shall carry on the tramways any aquafortis, oil of vitriol, gunpowder, or other goods which may be of a dangerous nature; and if any person shall carry such goods on the tramways he shall forfeit to the company any sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for any authorized servant of the company, or any constable, or Justice of the Peace, to require any parcel that he may suspect to contain any such goods to be opened in order to ascertain the fact.

53. It shall be lawful for the company from time to time to make by-laws for preventing the commission of any nuisance in or upon any car or on any of the premises of the company, and for regulating the travelling upon or using and working of the tramways, and the conduct of the officers and servants of the company, and generally for providing for the management of the affairs of the company and carrying out the objects and purposes of this Act; and it shall also be lawful for the company from time to time to repeal or alter any such by-laws, provided that such by-laws be not repugnant to law.

54. Any person offending against any by-law of the company shall forfeit for every such offence any sum not exceeding Five Pounds, to be imposed by the company in such by-laws as a penalty for any such offence; and if the infraction or non-observance of such by-laws be attended with danger or annoyance to the public, or hindrance to the company, in the lawful use of the tramways, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the penalty incurred by the offender.

55. A copy of all by-laws made by the company shall be sealed with the seal of the company and submitted for approval to the Governor, who, on being satisfied that the same are framed in conformity with law and are reasonable and proper, may confirm the same by writing under his hand; and no by-laws made by the company
company shall have any force or effect until the expiration of fourteen days after a copy of such by-laws and of the confirmation thereof by the Governor shall have been published in the Government Gazette.

56. It shall be lawful for the Governor at any time to notify to the company his disallowance of any by-laws then in force, and the time at which the same shall cease to be in force, and no by-law which shall be so disallowed shall have any force or effect after the time fixed by the notice for such disallowance, saving in so far as any penalty may have been then already incurred under the same: Provided that a copy of such notice shall be published in the Government Gazette, and the time of disallowance fixed by such notice shall not be earlier than fourteen days after the date of the first publication of such notice.

57. The production of a copy of the Government Gazette containing any notice purporting to be a copy of any by-laws of the company and of the confirmation thereof by the Governor, or of the disallowance by the Governor of any by-laws of the company, shall in all cases and for all purposes be deemed to be conclusive evidence that such by-laws have been duly made and confirmed, or disallowed, in manner stated in such notice.

58. Every notice by this Act required to be given by or to the company shall be in writing or print, or partly in writing or partly in print, and shall be signed by the company, street authority, or persons giving the same, or by their secretary or clerk; and such notice shall be deemed to have been duly given if left at the principal office of the company, street authority, or persons to whom the same shall be intended to be given, or if posted in a registered letter, prepaid, addressed to such company, street authority, or persons, or their secretary or clerk, at their principal office: Provided that if such notice shall be posted as aforesaid, the same shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such principal office in the ordinary course of post.

59. Every secretary, accountant, or officer, clerk, or servant of the company, notwithstanding he may be a shareholder and have a joint interest in the property of the company, shall be liable to be proceeded against criminally for any offence committed by him in respect of the property of the company, in like manner, and in all respects as if he were not a shareholder and had no such interests.

60. Every proceeding under this Act for any omission, default, offence, or act to which any penalty is attached, where no other mode of proceeding is by this Act provided, may be had and taken before and be heard and determined in a summary way by any Special Magistrate or two Justices of the Peace under the provisions of
of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intituled "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act now in force or hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders made by such Magistrate or Justices may be enforced as in the said Ordinance, or in any other Act as aforesaid, is or shall be provided.

61. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every conviction by any Special Magistrate or Justices for any offence against this Act, and from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act, and the proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals, and the Local Court of Adelaide aforesaid shall also have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

62. If at any time after the tramway shall have been for one year opened for public traffic, it shall be represented in writing to the Governor by the street authority of any street in which the tramways are laid, that in the opinion of such street authority the tramways or some specified part thereof, are or is dangerous or inconvenient to the public, and ought to be removed or modified, the following provisions shall have effect—

1. The Governor may, by order, under his hand, require the company to remove or modify the tramways or the part thereof specified as aforesaid:

2. If the company within one calendar month after the service of such order shall give notice in writing under their common seal to the Governor that they desire that the question as to the necessity or expediency of the removal or modification ordered shall be referred to the decision of an arbitrator to be appointed by the Governor, the question shall be referred accordingly; and upon the application either of the company or of the street authority, the Government shall appoint some impartial person as arbitrator, and the award of the arbitrator with reference to the question referred to him shall be final and conclusive as against all parties; and the arbitrator by his award may, if he thinks fit, direct the removal or modification of the tramways:

3. Within six calendar months after the service upon the company of the order of the Governor directing the removal or modification of the tramways, or if the company shall have giving notice as aforesaid of their desire that the question as to the necessity or expediency of such removal or modification should
should be referred, then within six calendar months after the publication of the award of any arbitrator appointed by the Governor directing the removal or modification of the tramways, or within such earlier time, if any, as may be limited by such order or award, the company shall remove or modify the tramways, pursuant to the directions contained in such order or award, and the company shall make good the street in which the tramways removed or modified were or are situate, to the reasonable satisfaction of the street authority thereof: Provided that if any modification which the company may be required to make in the tramways by any such order or award shall be beyond their then existing powers, the company shall, as soon as conveniently may be, apply to Parliament for the necessary powers to make such modification, and the provisions contained in the next paragraph shall not have effect until the expiration of three calendar months after the Bill to be introduced into Parliament by the company, in compliance with this provision, shall have become law, unless such Bill shall be rejected by Parliament, or withdrawn:

iv. If the company fail to remove or modify the tramways in accordance with the order or award, as the case may be, or to make good the street in manner aforesaid, the removal, modification, or making good may be effected by the street authority of the street in which such tramways are situate, and the amount of the cost thereof certified by the clerk for the time being of such street authority (whose certificate shall be final and conclusive with reference thereto) shall be repaid to the street authority by the company on demand:

v. If the company fail to pay the amount so certified within one calendar month after delivery to them of the certificate, or a copy of the certificate, of the clerk of the street authority, the street authority (without prejudice to any other remedy which they may have for the recovery of the amount) may sell and dispose of any materials of the tramways, removed or modified, which may remain in their hands, either by public auction or private sale, for such price as the street authority shall think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the cost certified as aforesaid, and all charges and expenses of and incidental to such sale, and the balance (if any) of the proceeds of such sale shall be paid by the street authority to the company.

63. If the Government-road adjoining the sea-beach shall be rendered available for general traffic, and the street authority shall thereupon require the company to remove the tramways laid thereon to or towards the eastern side of such road, the company shall remove the same accordingly, and all the provisions of this Act shall apply to the tramways when so removed in like manner as if they had been constructed.
66. Every inquiry which by this Act the Governor is empowered to direct shall be made in accordance with the following provisions:—

The inquiry shall be held before an officer (hereinafter called the referee) to be appointed in that behalf by the Governor, and the appointment of the referee shall be in writing, which shall specify all the matters referred to him:

Ten
Ten days' written notice at the least shall be given by the referee to the company and to the street authority, upon whose representation the Governor shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:

The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time, as may be necessary to such time and place as he may think fit:

The referee, either on the application of the company or of the street authority aforesaid, shall, by summons, require the attendance before himself, at a place and time to be mentioned in such summons, of any person to be examined as a witness before him; and every person summoned shall attend the referee in obedience to such summons, and answer all questions touching the matter to be inquired into:

The referee shall administer an oath to any person summoned or tendered as a witness on the inquiry:

The referee shall make his report to the Governor in writing, and shall deliver copies of his report, upon request, to all or any of the parties to the inquiry:

The referee shall have power to direct by and to whom the costs or any part of the costs of the inquiry shall be paid, and he shall also fix the amount thereof:

The referee shall for all purposes be deemed to be an arbitrator, and his appointment shall be deemed to be a submission to arbitration between the parties to the inquiry in respect of the matters thereby referred to him, and his report shall be deemed to be, and shall have the effect of, and be dealt with, as an award made upon such submission; and every such submission on the application of any party interested in the inquiry may be made a rule of the Supreme Court.

67. The company may, from time to time borrow, for the purposes of this Act, on mortgage or bond, or partly on mortgage and partly on bond, any sum of money, not exceeding in the whole Fourteen Thousand Pounds, of which any general meeting of the company shall authorize the borrowing; but no money shall be borrowed until two-thirds of the capital of Twenty Thousand Pounds shall have been subscribed for, and one-half of such subscribed capital paid up; nor until the company has proved to the satisfaction of a Justice of the Province of South Australia, and obtained from him a written certificate, signed by himself, to the effect that satisfactory proof has been given him that two-thirds of the capital has been issued and accepted, and that one-half of such subscribed capital has been paid up, and that such capital was issued bona fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same.

68. Upon
68. Upon any application to a Justice for such certificate, there shall be produced to him a copy of the resolution authorizing the borrowing of the money, and such copy shall be certified by one of the directors, or by the secretary of the company, to be a true copy of such resolution.

69. Upon the production to the Justice of such certified copy and of the books of the company (if he requires their production), and of such other evidence (if any) as he shall think sufficient, he shall grant a certificate to the effect aforesaid, and his certificate shall be sufficient evidence that such proof was so given.

70. The company, if it repays the whole or any part of any sum of money borrowed on mortgage, or on bond, under the powers granted in that behalf by this Act, may again borrow the whole or a portion of the amount paid off, and so from time to time; but, unless the money be reborrowed for the purpose of paying off any then existing mortgage or bond of the company, the power to re-borrow shall not be exercised without the authority of a general meeting of the company.

71. Every mortgage and bond for securing the repayment of money borrowed by the company shall be made by deed under the common seal of the company, and the consideration shall be truly stated therein; and every such mortgage or bond shall be in the respective forms set forth in the Schedule to this Act annexed, or in some form to the like effect; but no such mortgage or bond shall contain any provision securing, or purporting to secure further advances.

72. The respective mortgagees and their assigns shall one with another be entitled to their respective proportions of the tolls, sums, and premises comprised in their respective mortgages and of the future calls (if comprised therein) payable by the shareholders according to the sums in such mortgages respectively mentioned to have been advanced by the respective mortgagees, and to be repaid with interest at the rate mentioned in such mortgages, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the borrowing of the money secured thereby was authorized, or otherwise howsoever.

73. Notwithstanding that any such mortgage comprises future calls on the shareholders of the company, the moneys paid in respect of each such call shall, unless the mortgage expressly provides the contrary, be received by the company and applied to its purposes; and any shareholder of the company who shall, without notice in fact of such express provision having been made, pay to the company any money in respect or on account of any such call, shall not be liable for the same or any part thereof to the mortgagee.

74. The respective obligees in such bonds, and their assignees, shall, rateably, according to the amount of the moneys secured thereby, be entitled to be paid out of the tolls or other property or effects.
effects of the company, the respective sums mentioned in such bonds and intended to be thereby secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the borrowing of the moneys thereby secured was authorized, or otherwise howsoever.

75. A register of mortgages and bonds shall be kept by the secretary of the company; and within fourteen days after the date of any such mortgage or bond, an entry or memorial specifying the number and the date of such mortgage or bond, and the sum of money secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register, which may at all reasonable times be perused without fee or reward by any shareholder or mortgagee, or bond-creditor of the company, or by any person interested in any such mortgage or bond, or by any person authorized to act on behalf of any such mortgagee, bond-creditor, or person.

76. Any person entitled to any such mortgage or bond may, from time to time, transfer his right and interest therein to any other person, and every such transfer shall be made by a deed in which the consideration for the transfer shall be truly stated, and every such transfer shall be according to the form in the Schedule to this Act annexed, or in a form to the like effect; and every deed of transfer in which the consideration is not truly stated shall be void.

77. Within thirty days after the date of the execution of each such deed of transfer, if it be executed within the Province of South Australia, or within thirty days after its arrival therein, if it be executed elsewhere, it shall be produced to the company's secretary, who shall thereupon cause an entry or memorial thereof to be made, in the manner hereinbefore prescribed, with respect to the original mortgage or bond. After such entry or memorial has been made, the transferee named in such deed of transfer shall be entitled under it to the full benefit of the original mortgage or bond, in all respects; and the person by whom such transfer has been made shall not have power to make void, release, or discharge the mortgage or bond so transferred, or the whole or any part of the money thereby secured. For making such entry the company may demand, from the person requiring it to be made, the sum of Two Shillings and Sixpence; but the company shall not be bound to make such entry until such sum has been paid, nor shall the company be in any manner responsible to such transferee in respect of such mortgage or bond, until such entry has been made, and the secretary has been paid such sum of Two Shillings and Sixpence. Every such deed of transfer which is executed out of the said Province, or a copy thereof, shall, within thirty days after its execution be transmitted to the company's secretary for registration.

78. The interest of the mortgage debts and bond debts respectively shall, at the times named in the mortgages and bonds respectively for payment of such interest, be paid to the several persons entitled thereto,
thereto, and in preference to any dividends payable to the shareholders of the company. If times for payment of interest be not named in any bond or mortgage, the interest on the moneys thereby respectively secured shall be paid half-yearly, and the first payment thereof shall be made at the expiration of six months from the date at which the moneys thereby respectively secured were paid to the company.

79. The company may, if they think proper, fix a day on which the principal moneys so borrowed with the interest thereon shall be repaid, and shall on or before that day repay the same to the person entitled thereto; and the day (if any) so fixed shall be specified in the bond or mortgage. If the whole or any part of the principal moneys so borrowed, or of the interest (if any) due thereon shall on the day after that specified for the repayment thereof remain unpaid, the person entitled thereto may forthwith sue the company for the recovery thereof.

80. Repayment of the whole or of any part of the principal moneys so borrowed, and payment of the interest thereon, shall in all cases be made at the company's principal office or place of business, unless some other place be named for that purpose in the mortgage or bond; and the company shall always have its principal office or place of business in the City of Adelaide, in the Province of South Australia.

81. If in any mortgage or bond a time for the repayment of the principal money be not fixed, the person entitled thereto may at any time after the expiration of one year from the date of such mortgage or bond, demand repayment of such principal moneys, and payment of all (if any) arrears of interest due thereon, provided that a notice of the intention to make such demand, has at least six months before the making thereof, been given to the company by or on behalf of the person who, at the time of the giving of such notice is entitled to such principal moneys; and if the whole or any part of the principal moneys, or of the interest (if any) due thereon, shall at the expiration of one week from the day on which such demand is made remain unpaid, the person entitled thereto may forthwith sue the company for the recovery thereof.

82. If in any mortgage or bond a time for repayment of the principal moneys be not fixed, the company may at any time after the expiration of one year from the date of any such mortgage or bond respectively, pay to the person entitled thereto the principal moneys secured thereby respectively, and all arrears of interest (if any) due thereon, provided that a notice expressing the intention of the company to make such payment, and requiring the person entitled to such principal moneys and interest to attend, on a day named in such notice at the principal office or place of business of the company (or if a place has been named for that purpose in the mortgage or bond, then requiring attendance at such place) has, at
least six months before the day in such notice named for such attendance, been given by the company to the person who is at the time of the giving of such notice entitled to such principal moneys and interest, and such person shall, personally, or by some agent authorized by him in writing to receive such principal moneys and interest, and to give a proper discharge for the same, attend on the day and at the place named in such notice, and receive such principal moneys and interest, and give a proper discharge therefor.

83. Every such notice of an intention to demand repayment of the principal moneys secured by any mortgage or bond, and payment of the interest thereon, shall be delivered to the secretary of the company, or left at its principal office or place of business; and every such notice of an intention on the part of the company to pay such principal moneys and interest shall be delivered to the person entitled thereto, or shall be left at or sent by post to some place situate within the Province of South Australia, and named in the mortgage or bond, as his address, or to such other address within the said Province as the person for the time being entitled to such principal moneys and interest shall, from time to time, furnish in writing to the company. If an address is not mentioned in the mortgage or bond, and the person entitled to the principal moneys and interest has not furnished an address in writing to the company, then such notice shall be given by an advertisement published once in the South Australian Government Gazette, and in some one or more of the newspapers which shall then be published daily in the City of Adelaide.

84. Whenever the company has given (as in this Act provided) to any such mortgagee or bond-creditor, notice of their intention to pay the principal moneys and interest thereon at a time when the company is entitled to make such payment, then, from and after the day named in such notice for such payment, interest shall cease to accrue on, or be payable in respect of, such principal moneys, unless the company shall fail to make such payment on the day named in such notice for that purpose; and the person entitled to such principal moneys and interest personally, or by some agent authorized by him in writing to receive such principal moneys and interest, and to give a proper discharge therefor, shall attend on the day named in such notice at the company's principal office or place of business, to receive the principal moneys and interest, and to give a proper discharge for the same.

85. All or any of the mortgagees of the company may severally, or in conjunction with each other, enforce, by obtaining the appointment of a receiver, the payment of arrears of interest due on any mortgage debt or debts due to him or them, or the payment of such debt or debts, and the interest due thereon. In order to authorize the appointment of a receiver the amount owing to the applicant mortgagee or mortgagees for interest or for principal moneys shall not be less than the sum of Five Thousand Pounds in the whole.

86. Whenever
86. Whenever the arrears of interest due to any mortgagee or mortgagees of the company amount to the sum of One Thousand Pounds, and have remained unpaid for thirty days after the day or days on which they became payable, the person or persons to whom such arrears of interest are due may, after having respectively made on the company a written demand for payment thereof, but without prejudice to his or their right to sue at law or in equity for such arrears of interest, by an application to be made in the manner hereinafter mentioned, require the appointment of a receiver.

87. Whenever any mortgage debt or debts of the company have, without the consent of the mortgagee remained unpaid for six months after they became payable, and amount to the sum of Two Thousand Pounds, the person or persons to whom they are due may, after respectively making on the company a written demand for the repayment of the respective sums due to them, but without prejudice to his or their right to sue at law or in equity for any such mortgage debt or debts, together with all arrears of interest due thereon, require the appointment of a receiver in the manner hereinafter mentioned.

88. Every application for a receiver under either of the last two sections shall be made to a Judge of the Supreme Court of the Province of South Australia; and such Judge may, when any such application has been made, after hearing the applicant mortgagee or mortgagees, or any practitioner of the Supreme Court of the Province of South Australia, acting on his or their behalf, and if the company oppose such application, after hearing them by their secretary, or by some such practitioner, acting on the behalf of the company, appoint some fit person to receive the whole or a sufficient part of the tolls or moneys liable to the payment of such interest, or the repayment of such mortgage debt or debts, as the case may be, until there has been made full payment of such interest, and full payment of such mortgage debt or debts, as the case may be, together with all costs of the applicants, properly or necessarily incurred in making, or in respect of the said application, and also all costs, charges, and expenses, properly or necessarily incurred in receiving and collecting the aforesaid sum and tolls, and in paying over the same to the applicants.

89. After such appointment has been made by a Judge, and after a true copy of the order whereby such appointment is made has been delivered to the company’s secretary, or left at its principal office or place of business, all tolls or sums of money which are liable to pay such interest and principal, and which the company may receive, shall be paid by the several persons receiving them, or by the company to the person appointed receiver thereof by such order; and shall be received by him to the use of the applicant mortgagee or mortgagees, and his other transferees; and shall be applied by the receiver to pay, in the first place, all the aforesaid costs, charges, and expenses; and the surplus, if any, shall be applied in paying to the applicants, rateably, the amounts due to them respectively.

90. The
90. The power and authority of the receiver shall determine whenever all such costs, charges, and expenses, arrears of interest, and mortgage debt or debts have been fully paid, and the surplus receipts (if any) shall be then paid by him to the company.

91. At all reasonable times the company's books of account shall be open to the inspection of every mortgagee and bond-creditor of the company, and of any person acting on his behalf, and every such mortgagee, bond-creditor, or person shall be entitled to make extracts therefrom without fee or reward.

92. All interest for the time being due on any moneys borrowed on mortgage under this Act, and all such principal moneys from the times at which they respectively are advanced, shall have against the company and against the property, from time to time, of the company, priority over all other claims on account of any debt to be incurred or engagement to be entered into by them: Provided always that such priority shall not prejudice or affect the lien of any unpaid vendor for the unpaid purchase-money of any land taken from him by the company for the purposes of the tramway.

93. Nothing in this Act contained shall affect any right, title, or interest of Her Majesty, Her heirs, or successors; and nothing herein contained shall be construed to give the company any claim to compensation in the event of the Government being at any time hereafter authorized to construct any line or lines of railway or tramway, the construction of which may or may be supposed to injuriously affect the undertaking hereby authorized.

94. This Act shall be deemed and taken to be a Public Act, and shall be judicially noticed as such within the Province without being specially pleaded.

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

WM. F. DRUMMOND JERVOIS, Governor.
SCHEDULE.

FORM OF MORTGAGE.

Mortgage, No. £

By virtue of Glenelg and Brighton Tramways Act, We, in consideration of the sum of £ paid to us by

do assign unto the said

h executors, administrators, and assigns, the said undertaking [and, in case the loan shall be in anticipation of the capital authorized to be raised, all future calls on shareholders] and all the tolls and sums of money arising by virtue of the said Act, and all the estate, right, title, and interest of the Company in the same to hold unto the said

h executors, administrators, and assigns until the said sum of £ together with interest, payable half-yearly for the same, at the rate of £ per centum per annum, be satisfied.

Given under our common seal this day of in the year of our Lord, one thousand eight hundred and

Attested and registered by Secretary.

FORM OF BOND.

Bond No. £

By virtue of Glenelg and Brighton Tramways Act, We, in consideration of the sum of £ paid to us by

do bind ourselves, and our successors, unto the said

h executors, administrators, and assigns in the penal sum of £

The condition of the above obligation is such that if the said Company shall pay to the said h executors, administrators, or assigns on the day of , one thousand eight hundred and

the principal sum of £, together with interest for the same at the rate of £ per centum per annum, payable half-yearly in each year, then the above-written obligation is to become void, otherwise to remain in full force.

Given under our common seal this day of one thousand eight hundred and

Attested and registered by Secretary.
FORM OF TRANSFER OF MORTGAGE OR BOND.

I, of , in consideration of the sum of £ paid to me by , do hereby transfer to the said , executors, administrators, and assigns, a certain bond [or mortgage, as the case may be] in the register of the Company, and made by Number , for securing the sum £ and £ interest [if the transfer is made by deed endorsed on the security omit all the words after "assigns," and substitute "the within security"] and all my right, estate, and interest in and to the money thereby secured [if the transfer be one of a mortgage add these words, "and in and to the undertaking tolls, moneys, and property thereby assigned"].

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

Adelaide: By authority, W. C. Cox, Government Printer, North-terrace.