ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

Private Act.

An Act to authorize the construction, maintenance, and working of Tramways for Horse Traction or Steam Power from, in, and between the City of Adelaide and the Townships of Thebarton, Hindmarsh, Bowden, Brompton, and Croydon, and other places adjacent thereto or in the neighborhood thereof, and from, in, and between the Township of Hindmarsh aforesaid and the Township of Thebarton aforesaid, and other places adjacent thereto or in the neighborhood thereof, and from, in, and between the said Township of Hindmarsh to a point on or near the sea-coast at or near Henley or Kirkcaldy Beach, or any other places adjacent thereto or in the neighborhood thereof, and for other purposes.

[Assented to, 21st December, 1877.]

WHEREAS the construction, maintenance, and working of tramways for horse traction and steam power from, in, and between certain parts of the City of Adelaide and the Townships of Thebarton, Hindmarsh, Bowden, Brompton, and Croydon, and other places adjacent thereto or in the neighborhood thereof, and from, in, and between the Township of Hindmarsh aforesaid and the Township of Thebarton aforesaid, and other places adjacent thereto or in the neighborhood thereof, and from, in, and between the said Township of Hindmarsh aforesaid to a point on or near the sea-coast at or near Henley or Kirkcaldy Beach, or any places adjacent thereto or in the neighborhood thereof, in such a manner as not to impede or injure ordinary traffic, would be of great local and public advantage: And whereas a Joint Stock Company has been lately registered and incorporated under "The Companies Act, 1864," by the name of the "Adelaide and Hindmarsh..."
marsh Tramway Company, Limited,” with the objects (amongst others) of constructing, maintaining, and working 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 the said Company is willing at its own expense to construct, maintain, and work the said tramways in manner hereinbefore mentioned, but the authority of Parliament is requisite to enable the Company so to do, 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—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 for all purposes be cited as the “Adelaide and Hindmarsh Tramways Act, 1877.”

2. Except so far as the same shall be inconsistent herewith, there shall be incorporated with this Act “The Lands Clauses Consolidation Act,” the Act No. 26 of 1855-6, intitled “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 that nothing in any of the said Acts contained shall authorize the Company to take compulsorily any Park Lands or other Reserves within the City of Adelaide.

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

The meanings which have been assigned by “The Lands Clauses Consolidation Act” and “The Railway 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 the “Adelaide and Hindmarsh Tramway Company, Limited;”

The expression “the tramways,” shall mean the tramways by this Act authorized, or any part thereof, and shall include railways:

The
The expression "the deposited plan," shall mean the plan of the tramways deposited in the office of the Surveyor-General on the sixth day of November, one thousand eight hundred and seventy-seven: and the plan deposited on the twenty-seventh day of November, one thousand eight hundred and seventy-seven:

The expression "street" or "road," shall mean any public street, road, footpath, or place along or across which the tramways are authorized to be laid:

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:

The expression "person," in addition to the meanings given to it by the Act No. 9 of 1872, includes unincorporated companies and partnerships.

As to Construction of Tramways:

4. Subject to the provisions of this Act, the Company may make, form, lay down, construct, maintain, and work on the lines shown in the deposited plan the tramways hereinafter described, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, curves, turn-outs, junctions, stations, approaches, and conveniences connected therewith, and may enter upon, purchase, take, and use such of the lands delineated and described in the deposited plan, as they may require for such purposes: Provided that the powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the end of three years from the passing of this Act.

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

A tramway, No. 1, three miles and forty-three chains or thereabouts in length commencing at a point on the Port-road at or near the most northern corner of Section 353 laid out as the Township of Hindmarsh, thence passing along the Port-road in a south-eastern direction to and across the Thebarton Bridge, thence in a southern direction along such last-mentioned road, passing the eastern boundary of the Township of Thebarton along the public road there to a point on the Henley Beach-road at or near Mile-End, thence in an eastern direction passing along such last-mentioned road into and along Hindley-street, Adelaide, into King William-street joining the Adelaide and Suburban Tramway Company's tramway lines:

A
A tramway, No. 2, sixty-nine chains or thereabouts in length, commencing at a point on tramway No. 1, West-terrace, in the City of Adelaide, at or near the junction of Hindley-street with West-terrace aforesaid, thence passing along West-terrace in a southern direction to the junction of Waymouth-street with the said terrace, thence in an eastern direction along Waymouth-street into King William-street joining the Adelaide and Suburban Tramway Company’s tramway lines in King William-street:

A tramway, No. 3, five miles and seven chains or thereabouts in length, commencing at a point on tramway No. 1 on the Port-road at or near the most northern corner of Section 353, laid out as the Township of Hindmarsh, thence passing along the Port-road in a north-westerly direction to the north-east corner of Section 396, laid out as the Township of Caversham, thence in a south-westerly direction across Sections 396, 408, and 409, to and across the public road there into the public road dividing Sections 424 and 425, thence running west along such last-mentioned road to the south-east corner of Section 902, thence along the said road in a south-westerly direction crossing the Port Creek, thence in a westerly direction to the seashore:

A tramway, No. 4, one mile and forty-five chains or thereabouts in length, commencing at a point on tramway No. 1 on the Port-road at or near the most northern corner of Section 353, laid out as the Township of Hindmarsh, at the junction of the public road there, forming the western boundary of the said Section with the said Port-road; thence passing in a southerly direction along the said road to and across Taylor’s Bridge, Hindmarsh, and along the road, dividing Sections 46 and 2 from Section 47, as far as the south-eastern corner of said Section 47, to the junction of tramway No. 7 hereafter mentioned:

A tramway, No. 5, one mile and twenty-five chains in length, commencing at a point on tramway No. 1 on the Port-road, on the north side of Thebarton Bridge, at or near the most southern corner of Section No. 386, laid out as the Township of Bowden; thence passing in a north-eastern direction along the public road there forming the eastern boundary of the said Section, twenty chains, or thereabouts, to the junction of the said road with the public road there crossing the Park Lands; thence passing along such last-mentioned road to its junction with Mill-terrace; thence along Mill-terrace and Barnard-street and portion of Archer-street into O’Connell-street: Provided always that the said Tramway, No. 5, shall only cross the Government Lines of Railway at public crossing places upon crossings made and constructed subject to the approval of the Commissioner of Railways, and such crossings shall only be used at such times as may from time to time be authorized by the Commissioner of Railways:
A tramway, No. 6, four miles ten chains, or thereabouts in length, commencing at a point on tramway No. 1 on the Port-road, at or near the most northern corner of Section 353, laid out as the Township of Hindmarsh; thence passing along the public road there forming the western boundary of the said Section to its junction with the public road there, known as Kirkcaldy Beach-road; thence in a western direction along such last-mentioned road, to a point in or near the south-eastern corner of Section 900; thence either along the said Kirkcaldy Beach-road to a point on or near the seashore, or from the said corner of Section 900, along a road to be hereafter made across the said Section, to a bridge to be hereafter made over the Port Creek; and from thence along a road to be hereafter made across Section 1006, to a point on or near the seashore:

A tramway, No. 7, forty-three chains or thereabouts in length, commencing at a point on tramway No. 1, on the Henley Beach-road aforesaid, at or near Mile-End aforesaid; thence passing in a westerly direction along the said Henley Beach-road (dividing Section No. 2) until it joins the Tramway No. 4, at the junction of the said road with the public road there forming the western boundary of the said Section.

6. The centre line of every tramway shall be the centre line of the street in which such tramway shall be laid, or shall run parallel therewith at a distance of not less than six feet therefrom, except where the line of such tramway shall be a curve, as shown in the deposited plan, and except as to that portion of Tramway No. 1, extending from the point of commencement on the Port-road to the north side of Hindmarsh Bridge; and except also as to that portion of tramway No. 1, extending from the south side of Thebarton Bridge to a point at or near the Henley Beach-road, at Mile-End; and except also as to that portion of tramway No. 3, extending from the point of commencement on the Port-road to a point at or near the north-east corner of Section 396, and as to that portion of the said tramway extending from such last-mentioned point to a point at or near the sea-coast.

7. It shall not be lawful for the Company to alter the levels of any streets without the consent of the street authority: Provided always that this clause shall not apply to any unmade roads, or any unmade portion of any roads, excepting that portion of the Mile-End-road within the City of Adelaide; and the street authority shall, within seven days after a request in writing, furnish to the Company particulars of the levels of any street.

8. Every tramway line shall be constructed and maintained with two rails, to be laid at a distance of four feet eight and a-half inches from each other, and shall be constructed and maintained in such a manner that the uppermost surface of every rail shall be on a level
level with the surface of the street, and the rails used in the construction of every tramway shall be of iron or steel, and of the weight of not less than twenty pounds to the yard.

9. Every tramway shall be constructed and maintained in such a manner as not to cause any impediment or injury to the use by the public for the purpose of traffic of any street whereon the same shall be laid, 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.

10. The cars of the Company shall be drawn by horses or with the annual written consent of the street authorities drawn or propelled by noiseless and smokeless engines, or such other engines as may be approved of by the street authorities; no engine or tramway car shall travel along any street within the City of Adelaide or any of the said townships at a greater speed than shall be allowed by law, or by the bye-laws of the street authority of the streets or roads over which such engine or tramway car shall travel.

11. The Company shall use on the tramways, cars with flange wheels, or wheels specially or particularly adapted to run on a grooved rail: And no rail shall be used in the construction of any tramway which will leave an opening of greater width or depth than that left by the rails known as Larson's Patent Rails, with not more than one inch and a half in width in the widest part, and subject to the provisions of this Act, the Company shall have the exclusive use of the tramways.

12. 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 other than a right of user thereof for the purposes of this Act.

13. If any person shall wilfully obstruct any person acting under the authority of the Company in the lawful exercise of the powers of setting out, making, forming, laying down, repairing, or renewing any tramway, or shall deface or destroy any mark made for the purposes of setting out the line of any tramway, 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.

14. 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
15. Whenever the Company proceed to open or break up any street—

1. 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:

2. 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:

3. They shall pay to the street authority all reasonable costs incurred on account of such superintendence.

16. The Company shall not, without the consent of the street authority thereof, open or break up at any one time and place a 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.

17. As soon as the Company shall have opened or broken up any portion of any street—

1. They shall, with all convenient speed, and in all cases within three weeks at the most from the time of opening or breaking up the same (unless the street authority thereof 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 tramway) 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 metal, material, or rubbish occasioned thereby, and remove the same to such spot in the municipality wherein any such street shall be situated, as the street authority of such street shall direct:

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

18. If the Company shall in any respect fail to comply with the provisions of the preceding section they shall, for every such offence (without
(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.

As to Powers of Street Authority and others:

19. Nothing in this Act contained shall take away any power for the time being vested in any street authority to open or break up any street in which any tramway 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, or altering the levels of any street: Provided that in the event of the levels of any street being altered, the Company shall alter the levels of the tramway to correspond with such alteration: Provided also, that in the exercise of such power the street authority and Company shall be subject to the following provisions—

1. The street authority shall cause as little detriment or inconvenience to the Company as circumstances will admit:

2. Before commencing any work whereby the traffic on the tramway may be interrupted, or whereby the safety of any persons using the tramway 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, not being earlier than forty-eight hours after the time of the giving of such notice:

3. If the street authority for the purpose of enabling them to execute the work shall so require, by any notice given as 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:

4. If it shall become necessary to remove the tramway 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 tramway so removed in some adjacent and convenient position, and after such work shall have been effected to replace the tramway in its original position, and the cost of such laying down and replacing shall be borne by the street authority of such street.

20. 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 any tramway shall be laid for any necessary purpose of laying down, repairing, altering, removing, examining, or inspecting
specking 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 the traffic on the tramway may be interrupted or whereby the safety of any persons using the tramway 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, not being earlier than forty-eight hours after the time of the giving of such notice:

3. They shall not execute such work, so far as it immediately affects the tramway, 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 tramway 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 tramway so removed in some adjacent and convenient position, and after such work shall have been effected to replace the tramway in its original position, and the cost of such laying down and replacing shall be borne by such persons.

21. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the Company may, where and as far as may be 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, 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, pipes, tubes, wires, or apparatus or not, give seven days' notice to the person to whom such mains, pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, 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, 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 his surveyor or engineer, if he think fit, to attend after receiving not less than twenty-four hours' notice for that purpose:

II. The Company shall not remove or displace any of the mains, pipes, 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, pipes, tubes, wires, or apparatus without the consent of such person, or in any other manner than such person shall approve, until good and sufficient mains, pipes, 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, 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 such person; or in case of disagreement between such person and the Company, as an engineer to be appointed by the Corporation of the City of Adelaide shall direct:

III. The Company shall not lay down any such pipes, wires, or apparatus contrary to the regulations of any Act of Parliament relating to telegraphs or to the supply of water or gas.

22. Where any of the tramways or any other work connected therewith interferes with any sewer, gutter, drain, watercourse, defence, or work under the jurisdiction or control of the street authority, or with any sewers, drains, or works to be made or executed by the said 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 such 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, with all necessary particulars, nor until such street authority shall have signified their approval of the same, unless they do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice; and the Company shall comply with 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.
pediment to the sewers, drains, and other works hereinbefore referred to, and shall save harmless the street authority against all expense to be occasioned thereby, and all such works shall be done under the direction, superintendence, and control of the engineer or other officer 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 under the direction, jurisdiction, and control of the street authority.

25. The Company shall be answerable for all accidents, damages, and injuries happening through the negligence 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 all street authorities and persons from all damages and costs in respect of such accidents, damages, and injuries.

As to Completion and Maintenance of Tramways:

24. The tramways Nos. 1, 2, 5, and 7 shall be constructed, fit for passenger traffic, within two years from the passing of this Act, or within such further time (if any) from the end of such two years, as the Governor may see fit to allow; and upon the expiration of the said two years, or of such further time (if any) as may have been allowed as aforesaid, the powers by this Act granted to the Company for constructing such tramways shall cease except as regards such portion thereof as shall then be completed.

25. The tramways Nos. 3, 4, and 6 shall be constructed, fit for traffic, within three years from the passing of this Act, or within such further time (if any) from the end of such three years, as the Governor may see fit to allow; and upon the expiration of the said three years, or of such further time (if any) as may have been allowed as aforesaid, the powers by this Act granted to the Company for constructing such tramways shall cease except as regards such portion thereof as shall then be completed.

26. The Company shall at all times keep the tramways in good repair and working order, and after the end of the time respectively allowed pursuant to the preceding sections for constructing the tramways, the Company shall provide cars in sufficient numbers to travel along the tramways Nos. 1, 2, 5, and 7 at least six times each way, and along the tramways 3, 4, and 6 at least three times each way, between the hours of seven o'clock in the morning and eleven o'clock in the evening of every day except Sunday.

27. The Company shall at their own expense at all times keep in good condition and repair with such materials in such manner as the street authority shall direct, and to their satisfaction, all that portion
portion of the road between the rails of any tramway, and extending eighteen inches beyond the rails of and on each side of any tramway of the Company. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall with all convenient speed and in all cases within six weeks at the most (unless the said street authority shall otherwise consent 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 such tramway was laid thereon, 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 section, the street authority, if they think fit, may themselves, 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 this section above mentioned 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. If any person other than the Company (except by agreement with the Company) shall wilfully use the rails of the tramway for the purpose of driving or propelling any conveyance thereon, such person shall forfeit and pay to the Company a sum not exceeding Twenty Pounds for every such conveyance using, and for every time the rails are so used.

29. It shall be lawful for the Company, to use and travel over any portion of the tramways of, or belonging to, any other Company or person which may be laid down in King William-street, within the City of Adelaide: Provided always, that the Company shall pay to the Company or persons to whom such tramways belong, reasonable compensation for the use thereof; and shall use and travel over the said tramway at such times only and upon such conditions as may be agreed upon, or in default of agreement at such times as may be fixed by the street authorities. In the event of any dispute arising as to the amount of such compensation, the same shall be ascertained as follows, that is to say—One arbitrator shall be appointed by the Company, and one by the Company or person to whom such tramways belong; and all matters relating to such compensation 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 always that nothing herein contained shall authorize the Company to use steam power upon any tramways within the City of Adelaide, worked solely by horse traction, without the consent of the Corporation.

30. The Company may make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use
use of the tramways by any Company or person, and the tolls, rates, and charges to be paid for such use, and the terms and conditions thereof, and all incidental matters thereto.

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

i. Interfere with, remove, or alter any part of a tramway of the Company, or of the works connected therewith:

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

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

iv. Hinder or obstruct, or endeavor to hinder or obstruct, any person from getting into or out of any car lawfully using the tramways either by nursing or shepherding such car or otherwise howsoever:

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.

As to Tolls and Charges for Conveyance of Passengers and Goods:

32. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say)—

For all passengers, animals, or goods, conveyed on the railway for a distance less than three miles, the Company may demand tolls and charges as for three miles:

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers 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; and, in respect of passengers, every fraction of a mile beyond an integral number of miles, shall be deemed a mile:

For a fraction of a ton, the Company may demand tolls according to the numbers of a quarter 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:

33. With respect to all articles except stone and timber, the weight shall be determined according to the usual avoirdupois weight: Provided that double rates may be charged on furniture, musical instruments, and other light goods, measuring more than two and a half cubic feet to every one hundred pounds weight.

34. With
Weight of stone and timber.

34. With respect to stone, fourteen cubic feet of stone shall be deemed one ton weight, and so on in proportion for any smaller quantity:

And with respect to timber, not exceeding twenty feet in length—

Cedar logs and baulk timber, forty cubic feet to the ton:
Deals and deal boards, fifty cubic feet to the ton:
Palings, five feet in length, five hundred to the ton:
Palings, six feet in length, four hundred to the ton:
Laths, in bundles, imported, thirty-five bundles per ton; colonial, thirty bundles per ton:
Hardwood and other timber, by dead weight:
Timber exceeding twenty feet in length, by special agreement.

Tolls for small parcels and articles of great weight.

35. With respect to small parcels and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following, that is to say—

For carriage on the tramway of small parcels, as follows—
For any parcel not exceeding twenty-eight pounds in weight, three half-pence per mile:
For any parcel exceeding twenty-eight pounds, and not exceeding fifty-six pounds in weight, twopence per mile:
For any parcel exceeding fifty-six pounds, and not exceeding one hundred and twelve pounds in weight, threepence per mile:
For any parcel or article exceeding that weight, one penny per mile for every additional twenty-eight pounds in weight:

Provided always 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:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber, stone, or other single article, the weight of which shall exceed two tons, the said Company shall demand such sum as they shall think fit.

Company not bound to load or unload goods.

36. The Company shall not be bound to have a sufficient staff or appliances for loading or placing in, or unloading or taking out of their stations, car, trucks, or conveyances any article exceeding one hundred and twelve pounds in weight; but the person wishing to transmit the same shall, if required by the Company so to do, have the same loaded or placed, at his own expense and risk, in the car, truck, or other conveyance provided by the Company for that purpose, and shall also, if required by the Company so to do, undertake to have the said articles unloaded from the car, truck, or other conveyance, and removed from the Company's premises.
premises at his own expense and risk, and within a reasonable
time after the arrival of the said car, truck, or other conveyance,
at the place to which the Company had undertaken to carry the
said article: Provided that nothing in this Act contained shall
authorize the Company to load or unload any stone, timber, or any
other goods other than passengers’ luggage and small parcels in or
upon any street within the City of Adelaide without the consent of
the Corporation.

37. The maximum rate of charge to be made by the Company for
the conveyance of passengers upon the tramways, including the tolls
for the use of the tramways, and for carriages and steam or horse
power, and every other expense incidental to such conveyance, shall
not exceed the following, that is to say—

For every passenger conveyed the sum of twopence per mile.

38. The maximum rate of charge to be made by the Company for
the conveyance of animals and goods on the tramways, including the
tolls for the use of the tramways, and for waggons or trucks and
steam or horse power, and for every other expense incidental to the
conveyance (except a reasonable charge for loading and unloading
goods at any terminal station in respect of those 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 is performed by the Company), shall not exceed the following
sums, that is to say—

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

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

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

For every carriage, piece of machinery, the sum of ninepence per
ton per mile:

For any other goods the sum of ninepence per ton per mile.

39. 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.

40. 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.  

41. Every
41. 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 pounds.

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

43. No person shall carry on the tramways any goods which are 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.

44. 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 for the conveyance of passengers.

45. 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 and charges appoint; and such list shall be exhibited in some conspicuous place in the inside of each of the cars used by the Company upon the tramways.

46. 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 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.

47. 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.

As to By-laws:

48. It shall be lawful for the Company 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: Provided that such by-laws be not repugnant to law.

49. 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.

50. 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 by-laws are framed in conformity with law, and are reasonable and proper, shall confirm the same; and no by-laws made by the 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.

51. 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-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of 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.

52. 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, 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.

As to Removal of Tramways:

53. If at any time after the tramways 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.
inconvenient to the public and ought to be removed or modified, the
following provisions shall have effect—

i. The Governor may, by order under his hand, require the Com-
pany to remove or modify the tramways or the part thereof
specified as aforesaid:

ii. If the Company, within one calendar month after the service
of such order, shall give notice in writing under their com-
mon 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 Governor 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:

iii. Within six calendar months after service upon the Company
of the order of the Governor directing the removal or modi-
fication of the tramways, or if the Company shall have given
notice as aforesaid, 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 such street, 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 Com-
pany on demand:

v. If
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 thereof, 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.

54. If at any time after the opening of the tramways for traffic the Company shall discontinue the working thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company), it shall be lawful for the street authority of any street to remove the tramways situate in such street the working whereof shall be so discontinued as aforesaid and make good such street, and the amount of the cost of such removal and making good, certified by the clerk 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, and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the street authority without prejudice to any other remedy which they may have for the recovery of the amount, may sell and dispose of the materials of the tramways removed, and apply the proceeds of such sale in manner provided by the last preceding section.

55. If at any time hereafter it shall appear to any street authority that the Company are insolvent so that they are unable to carry out the undertaking with advantage to the public, and the street authority shall make a representation to that effect to the Governor, the Governor may direct an inquiry into the truth of the representation, and if the referee shall find that the Company are so insolvent the Governor may by order under his hand declare that the powers of the Company under this Act shall cease and determine on the expiration of six months from the date of such order, and (unless Parliament shall in the meantime otherwise declare) such powers shall cease and determine accordingly; and it shall be lawful for the street authority of any street at any time after the expiration of the said six months to remove the tramways situate in such street, and to restore the street to its original state and condition, and to sell and dispose of the materials of the tramways and apply the proceeds of such sale in manner hereinbefore mentioned.

56. Every inquiry which by this Act the Governor is empowered to conduct inquiries.
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to direct shall be made in accordance with the following provisions—

1. 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 and shall specify all the matters referred to him:

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

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

1V. 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:

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

vi. 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:

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

viii. 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.

As to Rating:

57. In each year after the year one thousand eight hundred and eighty, the Company shall pay to the Corporation of the City of Adelaide rates calculated on the sum of Two Hundred Pounds per mile, and shall pay to any other street authority rates calculated on the sum of One Hundred Pounds per mile, as the annual value of the tramways for every mile in length of the streets, subject to the control of the said Corporation or street authority respectively along which such tramways shall be constructed, in the same manner as rates declared and levied
levied upon rateable property by virtue of the "Municipal Corporations Act, 1861," or of any Act amending the same, and such rates shall form portion of the general revenue of such Corporation or street authority: Provided that save as in this section provided neither the tramways nor any works connected therewith, nor the cars, horses, engines, rolling-stock, or other things used in working the tramways, shall be liable to the payment of any municipal, district, or other taxes whatever.

As to Powers of Corporations:

58. The Corporation of the City of Adelaide shall have the like power of making and enforcing rules and regulations, and of granting licences with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are for the time being entitled to make, enforce, and grant, with respect to hackney carriages and the drivers, and other persons having the charge thereof, and to the standings for the same in the streets of or under the control of the Corporation.

59. 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 as well to the traffic of the Company as to the traffic of other persons.

60. At any time after the expiration of seven years from the passing of this Act, and before six months thereafter, and at any time after the expiration of every period of seven years thereafter, and before six months after any such period, it shall be lawful for the Corporation of the City of Adelaide to purchase the said 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 said Corporation, 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, No. 7 of 1847: Provided that the said Corporation shall not be compelled to abide by the event of the award, if the said Corporation shall give to the Company one month's notice in writing to that effect, and thereupon the Company shall be at liberty to carry on and work the said tramways: And the said Corporation shall pay the cost of any reference and award hereunder and all costs and charges incidental thereto.

61. In the event of a sale of the tramways and undertaking being made to the said Corporation under the provisions of this Act, the Corporation shall be subject to the provisions of this Act with respect to the construction, maintenance, use, and working of the tramways hereby
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hereby authorized, and the conveyance and regulation of the traffic thereon, and shall be bound to perform and observe all the obligations and conditions by this Act imposed on the Company with respect to the several matters above mentioned in the same manner and to the same extent and effect as if the said Corporation had been authorized by this Act to construct such tramways, and had been named in this Act instead of the Company.

62. If the said Corporation purchase the tramways and undertaking, as aforesaid, they may lease from time to time to any person or body the right of use of the tramways so acquired, and of demanding and taking in respect thereof the tolls and charges authorized by this Act; or they may leave the said tramways so acquired by them open to be used by the public, and may demand and take the tolls and charges authorized by this Act, or they may place and run carriages thereon, and demand and take tolls and charges in respect of the use of such carriages not exceeding the tolls and charges authorized by this Act.

As to Amalgamation:

63. It shall be lawful for the Company, whenever authorized so to do by a special resolution, to join or amalgamate with any other Company or association of persons in the said Province, having the same or similar objects as the Company, and either for the purpose of carrying out or completing such amalgamation as aforesaid, or otherwise, when and as the Company may be authorized so to do, in manner aforesaid, to purchase the tramways, undertaking, properties, machinery; materials, plant, and patents, utensils, business, and operations of any other Company or association of persons, or to sell the tramways, undertaking, properties, machinery, materials, plant, and patents, utensils, business, and operations of the Company, or any portion thereof, to any other Company or association of persons, in such manner and mode in reference to such amalgamation, and upon such terms and conditions as to the consideration to be given or received on such amalgamation, and also upon such terms and conditions in reference to the consideration given, paid, or received for such purchase or sale as aforesaid: and also, either for cash or on credit, or partly for cash and partly on credit, or by or in the shares of the Company, or by the issuing of new shares in the Company upon which the whole or any part of the capital may be deemed to be paid up, to the shareholders of the Company so to be amalgamated, as aforesaid, or association of persons, and generally in all respects as such resolution may fix or determine. And for the purpose of carrying out and completing such amalgamation, but not otherwise, it shall be lawful for the Company, if necessary, to purchase or acquire all the assets and effects, and to take over the liabilities, and also to purchase all the shares of such Company, so to be amalgamated as aforesaid, for such sum of money as may be fixed by such resolution, or by the issue to the holders of such shares as last aforesaid of new shares in the Company upon which the whole of the capital payable in respect of such shares, or so much thereof as the said resolution may
may fix, shall be deemed to be paid up; or, if necessary, it shall be lawful for the Company to sell the assets and effects and liabilities and shares of the Company, and to receive therefor shares in the Company to be amalgamated as aforesaid. And for the purposes aforesaid, or for any of them, it shall be lawful for the Company to issue new or additional shares, upon which the whole of the capital, or so much thereof as the said resolution shall fix, shall be deemed to have been paid up.

As to Borrowing:

64. The Company may 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 Ten Thousand Pounds, of which any general meeting of the Company shall authorize the borrowing; but no money shall be borrowed under this Act until two-thirds of the capital of Fifteen 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 Peace for the Province of South Australia, and obtained from him a written certificate, 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.

65. 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.

66. 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.

67. 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 reborrow shall not be exercised without the authority of a general meeting of the Company.

68. 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...
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.

69. 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.

70. Notwithstanding that any such mortgage comprises future calls on shareholders of the Company, the moneys paid in respect of each such call shall, unless the mortgage expressly provide 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.

71. 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 tolls or other assignees or 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.

72. 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 such mortgage or bond, or by any person authorized to act on behalf of any such mortgagee, bond-creditor, or person.

73. Any person entitled to any such mortgage or bond may 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
transfer in which the consideration is not truly stated shall be void.

74. Every deed of transfer shall be produced to the Company's secretary within thirty days after the date of the execution thereof (if executed within the Province of South Australia), or within thirty days after its arrival in the said Province (if executed elsewhere). The secretary shall thereupon cause an entry or memorial thereof to be made, in the manner hereinafter prescribed, with respect to the original indenture of 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 the sum of Two Shillings and Sixpence, and 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, and duly required to make such entry. 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.

75. The interest on 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, and in preference to any dividend payable to the shareholders of the Company, if times for payment of interest be not named in any bond or indenture of 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.

76. 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 indenture of 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 payment thereof remain unpaid, the person entitled thereto may forthwith sue the Company for the recovery thereof.

77. 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.
Repayment may not be made, one time only.

78. If in any indenture of 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 indenture of mortgage or bond, demand in writing repayment of such principal moneys, and payment of all arrears of interest due thereon, provided that a notice in writing 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 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.

If no date fixed for repayment, moneys may be repaid after one year.

79. 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 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.

Notice of intention to pay off.

80. 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 or left at the principal office of the Company; 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 furnish in writing to the Company. If an address is not mentioned in the mortgage or bond, and the
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 Government Gazette, and in some one or more of the newspapers which shall then be published daily in the City of Adelaide.

81. 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.

As to Appointment of Receiver:

82. Any 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 debts due to him or them, or the repayment of such debts, and payment of the interest due thereon.

83. Whenever the arrears of interest due to any mortgagee 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 become payable, the person to whom such arrears of interest are due may, after having made on the Company a written demand for payment thereof, but without prejudice to his right to sue at law or in equity for such arrears of interest, require the appointment of a receiver, by an application to be made in the manner hereinafter mentioned.

84. Whenever a mortgage debt of the Company has, without the consent of the mortgagee, remained unpaid for six months after the same has become repayable, and amounts to the sum of Two Thousand Pounds, the person to whom such debt is due may, after making on the Company a written demand for the repayment of such debt due to him, but without prejudice to his right to sue at law or in equity for any such mortgage debt, together with all arrears of interest due thereon, require the appointment of a receiver in the manner hereinafter mentioned.

85. Every application for a receiver under either of the last two sections shall be made to a Judge of the Supreme Court; and such Judge may, when any such application has been made, after hearing the
the applicant mortgagee, or any practitioner of the Supreme Court acting on his behalf, and if the Company oppose such application, after hearing them by their secretary, or by some practitioner acting on the behalf of the Company, appoint some fit person to receive the whole, or a competent part of the tolls or moneys liable to the payment of such interest, or the repayment of such mortgage debt, as the case may be, until there has been made full payment of such interest, and full repayment of such mortgage debt, 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.

86. 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 secretary, or left at the principal office of the Company, 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 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.

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

88. 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 payment of any fee therefor.

89. 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, 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 a Company for the purpose of the tramway.

As to Notices:

90. Every notice by this Act required to be given by, or to the Company, shall be signed by the Company, street authority, or persons
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.

91. 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 interest.

As to Proceedings:

92. 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 an Ordinance of the Governor and Legislative Council, No. 6 of 1850, intitled “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.

93. 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 on 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; but the Local Court of Adelaide aforesaid shall also have the 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.

94. 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.

95. This
95. 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.

Adelaide and Hindmarsh Tramway Company, Limited.

Mortgage, No. £

By virtue of the Adelaide and Hindmarsh Tramways Act, 1877, We, the Adelaide and Hindmarsh Tramway Company, Limited, in consideration of the sum of £ paid to us by

do assign unto the said executors, administrators, and assigns, the undertaking [and in case the loan shall be in anticipation of the capital authorized to be raised, and 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 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.

Adelaide and Hindmarsh Tramway Company, Limited.

Bond No. £

By virtue of the Adelaide and Hindmarsh Tramways Act, 1877, We, the Adelaide and Hindmarsh Tramway Company, Limited, in consideration of the sum of £ paid to us by

do bind ourselves, and our successors, unto the said 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 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 DEED OF TRANSFER OF MORTGAGE OR BOND.

I, of , in consideration of the sum of £ paid to me by , do hereby transfer to the said , his executors, administrators, and assigns, a certain bond [or mortgage, as the case may be] number in the Register of the Company, and made by the Adelaide and Hindmarsh Tramway Company, Limited, to , and bearing date the day of 18 , for securing the sum of £ , and £ interest [if the transfer is made by the 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 tolls, moneys, and property thereby assigned."] In witness hereof I have hereunto set my hand and seal, this day of , one thousand eight hundred and