ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

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No. 221.

An Act to provide for the formation of a Line of Railway to Strathalbyn, with a branch from Sander-grove to Milang.

[Assented to, November 18th, 1881.]

WHEREAS it is expedient to provide for the construction of a Line of Railway from Mount Barker Junction Station, near Littlehampton, to Strathalbyn, with a branch from Sandergrove to Milang: And whereas plans of the proposed railway, showing the line thereof, together with the book of reference thereto, have been duly prepared and deposited in the offices of the Surveyor-General, at Adelaide, and signed “H. C. Mais, Engineer-in-Chief”—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. “The Lands Clauses Consolidation Act,” and an Act, No. 26 of 1855-6, to amend “The Lands Clauses Consolidation Act,” and “The Railways Clauses Consolidation Act,” and an Act, No. 6 of 1858, to amend “The Railways Clauses Consolidation Act,” and all other Acts passed or hereafter to be passed amending the said “Railways Clauses Consolidation Act” or “Lands Clauses Consolidation Acts,” so far as the same are severally applicable to this Act, shall be incorporated therewith, and the said Acts shall be read and construed accordingly.

2. The Commissioner of Railways, hereinafter called “the said Commissioner,” may make and maintain a line of railway from Mount Barker

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Barker Junction Station, near Littlehampton, to Strathalbyn, with a branch from Sandergrove to Milang, together with all proper works and conveniences connected therewith, as the same is delineated in the said plans so deposited at the offices of the Surveyor-General, at Adelaide, as aforesaid, or as may be delineated in any plans which may hereafter be so deposited, pursuant to any law for the time being in force respecting such deposit of the said plans.

3. The gauge of the said railway shall be five feet three inches, and the rails to be used in the construction thereof shall be of steel, and of the weight of not less than sixty-one pounds to the yard.

4. The said Commissioner may demand any tolls for the use of the said railway, not exceeding the following, that is to say—

1. In respect of the tonnage of all articles conveyed upon the said railway, or any part thereof not in this Act otherwise particularly specified, the rate of Ninepence per ton per mile:

   For wool, measurement goods, fruit, and furniture, One Shilling per ton per mile:

   For every description of carriage, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, One Shilling and Threepence per mile; and for any ton or fractional part of a ton beyond one ton which any carriage may weigh, Eightpence per mile.

11. In respect of passengers and animals conveyed upon the said railway in carriages, whether belonging to the said Commissioner or otherwise, as follows—

   For every person conveyed in or upon any such carriage, being a first-class carriage, or compartment of a carriage, Fourpence per mile:

   For every person conveyed in a second-class carriage or compartment, Threepence per mile:

   For every horse, mule, ass, or other beast of draught or burden conveyed upon the said railway, Sixpence per mile; and for every ox, cow, bull, or neat cattle so conveyed, Twopence per mile:

   For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the said railway, One Halfpenny per mile:

Provided always, that for every fraction of a mile a full mile may be charged, and that for any shorter distance than three miles, three miles may be charged.

5. In the said tolls shall be included the toll for the use of the carriages, and of the engines or other means used for propelling the carriages on the said railway, and no further charge than is heretofore stated shall be made therefor: Provided that nothing
nothing herein contained shall be construed to prevent an extra charge being made for the use of engines and carriages for special and express trains: Provided also that nothing herein contained shall preclude private individuals from contracting with the said Commissioner for permission to use their own trucks or carriages upon the said railway.

6. In addition to the prescribed tolls for the conveyance of articles, the said Commissioner may charge a reasonable sum for loading and unloading: Provided always that the owners of goods shall be at liberty to employ their own servants for loading and unloading, subject to the regulations in force for the time being for the working of the said railway.

7. The weight of all articles, except stone and timber, shall be determined according to the usual avoirdupois weight; with respect to stone and timber, fourteen cubic feet of stone, and forty cubic feet of hard wood, and fifty cubic feet of other timber, shall be deemed one ton weight, and so on in proportion for any smaller quantity: Provided that any less quantity than half a ton may be charged as half a ton.

8. Notwithstanding the rate of tolls hereinbefore prescribed, the said Commissioner may lawfully demand the tolls following, for small packages and single articles of no great weight, that is to say—

For the carriage of any parcel not exceeding twenty-eight pounds in weight, not exceeding One Penny per mile each:

For any parcel not exceeding fifty-six pounds in weight, not exceeding Three Halfpence per mile each:

For any parcel not exceeding one hundred and twelve pounds in weight, not exceeding Twopence per mile each; and not exceeding One Penny per mile each for every additional fifty-six pounds in weight:

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which shall exceed four tons, the said Commissioner may demand such sum as he shall think fit:

Provided that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such terms shall apply only to single parcels in separate packages.

9. In all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said railway for so short a distance that the sum of money authorised by this Act to be demanded or received for the same shall not amount to the sum of Three Shillings per ton, the sum to be paid in respect to the carriage thereof shall be Three Shillings per ton.

10. Owners
10. Owners or consignees of articles shall remove the same from
the station or terminus of their destination on the said railway
within twelve working hours after their arrival there, unless such
arrival shall be between the hours of four in the evening and seven
in the morning, and in that case every such removal shall be made
within six hours after such hour in the morning, and in default of
such removal shall be liable to demurrage at and after the rate of
Two Shillings and Sixpence per ton; and further, if not removed
after the expiration of twenty-four hours at and after the rate of One
Shilling per ton for every twenty-four hours or any part thereof:
Provided, nevertheless, that if such articles be not removed from
such station or terminus of their destination before the end of
one week after their arrival there, the sum of Two Shillings and
Sixpence per ton per week shall be charged and payable in respect
of such goods for the warehouse room thereof.

11. Every passenger travelling upon the said railway may take
with him his ordinary luggage, not exceeding one hundred pounds
in weight for first-class passengers, and sixty pounds in weight for
other passengers, without any charge being made for carriage
thereof.

12. All tolls, rents, dues, charges, and sums of money which may
at any time be received and levied under authority hereof, and all
rents to arise from any lease of the said railway, shall be, from time
to time, in such manner as the Governor may prescribe, paid to the
Treasurer for the public purposes of the said province.

13. The said Commissioner shall, on or before the first day of
August in every year, prepare an annual account in abstract of the
total receipts and expenditure under authority hereof for the railway
by this Act authorised to be constructed, from what source
soever the same may be derived, for and during the preceding year
ending the thirtieth day of June, under the several distinct heads of
receipt and expenditure, with a statement of the balance of the same
account duly audited and certified by the Treasurer, and also by the
Auditor-General, and a copy of such account shall be published in
the Government Gazette.

14. The railway by this Act authorised to be constructed, shall
be, and is hereby declared to be, exempt from all rates and taxes
whatsoever, whether local or general.

15. This Act may be cited as the "Mount Barker and Strathalbyn
Railway Act, 1881."

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

WM. F. DRUMMOND JERVOIS, Governor.