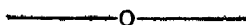




1850.

No. 1.

(PRIVATE ACT.)



ORDINANCE enacted by the Governor of South Australia with the advice and consent of the Legislative Council thereof.

For Making a Railway from the City to the Port of Adelaide, with Branches providing Railway Accommodation Northward of the present Place of Shipment, and to the North Arm, to be called "The Adelaide City and Port Railway."

(19th February, 1850.)

WHEREAS, by a Deed bearing date the twenty-eighth day of November, One Thousand Eight Hundred and Forty-Eight, and completely registered on the eighth day of December following, pursuant to the provisions contained in an Act of Parliament made and passed in the Session held in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the Registration, Incorporation, and Regulation of Joint-Stock

Preamble.

*Repealed
See 20th Feb 1850*

Stock Companies," and made between the several persons whose names are subscribed, and whose seals are affixed, to the Schedule thereto, of the first part; the persons therein-named as Directors, of the second part; and His Excellency John Hindmarsh, Captain in Royal Navy, K.H., Governor of Heligoland, and John Alexander Jackson, Esquire, of Founders' Hall, in the City of London, the Trustees who are named and appointed for the purpose of enforcing and giving effect to the covenants and agreements therein contained, of the third part; it is declared, amongst other things, by the parties thereto of the first part, that a Company should be formed, to be called the "Adelaide City and Port Railway Company," for the purpose of making a Railway from the City of Adelaide to the Port of Adelaide, in South Australia, and the prosecution of all operations and undertakings which might be necessary or convenient for the purposes thereof, or which might be advantageously prosecuted or carried on in connection therewith; and that the said Company should have perpetual succession until the passing of some Legislative provision re-constituting the said Company, or until the shareholders, by some resolution to be passed as therein mentioned, should declare that the affairs of the Company should be wound up and the Company dissolved: AND WHEREAS, by such Deed, George Boville, of Mill Wall, Poplar, in the County of Middlesex, Robert Buchanan Dunlop, of Wandsworth, in the County of Surrey, Alfred Hill, of Hampstead, in the County of Middlesex, Edward Hunt, of Great Winchester-street, in the City of London, Henry Walter Parker, of Highgate, in the County of Middlesex, and George Knight Huxley, of North Bank, Regent's Park, in the County of Middlesex, are declared to be the first Directors, for promoting and carrying the said undertaking into effect: AND WHEREAS, by such Deed the said Directors are empowered to nominate and appoint some one of themselves, or some other competent person, to go out and reside in South Australia as their Attorney, for the purpose of carrying the said undertaking into effect: AND WHEREAS, the said Directors, by Letter of Attorney, dated the thirteenth day of January, One Thousand Eight Hundred and Forty-Nine, under the Common Seal of the said Company, made, ordained, constituted, and appointed Henry Walter Parker, one of their number, to be their Attorney, that he might go out and reside in South Australia, and act in and conduct and manage all and every the affairs, matters, and things of the said Company, in and within the Colony of South Australia: AND WHEREAS great public advantage would accrue from the construction of a Railway between the City of Adelaide and the Harbor of Adelaide, and it is advisable that the said Company should be reconstituted by, and its objects effected under, the authority of a Special Ordinance: BE IT THEREFORE ENACTED, by THE GOVERNOR OF SOUTH AUSTRALIA, with the advice and consent of THE LEGISLATIVE COUNCIL thereof — THAT
the

the parties of the first and second parts to the said hereinbefore recited Deed of Settlement, and all other parties who have already subscribed, or shall hereafter subscribe to the said undertaking, and their respective heirs, executors, administrators, and assigns, shall be united into a Company, for the purposes in the said Deed and in this Ordinance expressed, and for those purposes shall be, and they are hereby, incorporated, by the name of "The Adelaide City and Port Railway Company," and by that name shall be a Body Corporate, with Perpetual Succession and a Common Seal, and shall have power to accept, purchase, take, and hold lands for the purposes of the said undertaking, within the restrictions herein and in the hereinafter incorporated Acts contained.

Subscribers.

II. AND BE IT ENACTED, that the hereinbefore recited Deed of Settlement, and all the agreements, articles, and provisions therein contained, and the hereinbefore recited Letter of Attorney, shall be, and the same are, hereby, confirmed, and shall be of as full force and effect as if the same were inserted or incorporated in this Act, in so far only as the same shall not be repugnant to, or inconsistent with, this Ordinance, or any Law or Ordinance now in force, or which may hereafter be in force, within the said Province; and that all actions, suits, or other proceedings, acts, matters, and things, which might be brought, instituted, or done, under or by virtue of the said Deed, or any covenant or provision therein contained, on behalf of the said Company, or with reference to the said undertaking, may be brought, instituted, or done, by or on behalf of the Company in its Corporate name and capacity; and, particularly, that payment of all subscriptions and calls upon or in respect of any share or shares in the said undertaking as provided by the said Deed, may be so enforced by or in behalf of the said Company, as well against the several persons parties thereto, as against any person or persons who shall for the time being be a Shareholder or Shareholders in the said Company; and that every person becoming a Shareholder in such Company, under the provisions of the said Deed, or of any other Deed Supplementary or referring thereto, although not a party thereto, shall be bound by all the agreements and provisions therein contained, in the same manner as if he had actually executed such Deed immediately upon becoming such Shareholder; but always subject to the provisions of this Ordinance, and any other such Law as aforesaid.

Confirmation of
Deed of Settlement.

III. AND BE IT ENACTED, that "The Railways' Clauses Consolidation Act," and "The Lands' Clauses Consolidation Act," shall be incorporated with and form part of this Ordinance.

Incorporation of
General Ordinances,
No. 7 of 1847.
No. 6 of 1847.

IV. AND

Incorporation of
certain provisions in
the "Companies
Clauses Consolida-
tion Act."
No. 5 of 1847.

IV. AND BE IT ENACTED, that the "Companies' Clauses Consolidation Act" shall be incorporated with this Ordinance, for the distribution of the capital of the Company into shares (so far as it applies to the distribution of the Shares of the Company in this Province), and for the following purposes within the Province, the transfer or transmission of shares, the payment of subscriptions, and the means of enforcing the payment of calls, the forfeiture of shares for non-payment of calls, the remedies of creditors of the Company against the Shareholders, the General Meetings of the Company, and the exercise of the right of voting by the Shareholders, the appointment and rotation of the Managers, (so far as not hereby expressly varied), the proceedings and liabilities of the Managers, the appointment and duties of Auditors, the accountability of the officers of the Company, the keeping of accounts, and the right of inspection thereof by the Shareholders, the making of By-laws, the settlement of disputes by arbitration, the giving of notices, the recovery of damages not especially provided for, and penalties, and the access to this Ordinance.

Deposit, Inspection,
and Enrolment,
of Deed, &c.
No. 5 of 1847.
Secs. 161—2.
7 & 8 Vic. c. 110.

Proviso.

V. PROVIDED ALWAYS AND BE IT ENACTED, that the Clauses and Provisions of the "Companies' Clauses Consolidation Act," with respect to the affording access to the Special Act by all parties interested, shall extend and apply to the deposit and inspection of the hereinbefore recited Deed of Settlement, and all Deeds referring and Supplementary thereto, and all Letters of Attorney made in pursuance thereof: PROVIDED ALSO, that no such Deed or Letters of Attorney, shall have any force or effect within this Province until the same, or true Copies thereof, certified or authenticated in manner provided by the first hereinbefore recited Act, "For the Registration, Incorporation, and Regulation of Joint Stock Companies," be enrolled in the General Registry Office at Adelaide.

Enrolment and evi-
dence of Deed, &c.

7 and 8 Vic.,
c. 110, s. 18.

VI. AND BE IT ENACTED, that whensoever any such Deed or Letters of Attorney or any Instrument which by the said Statute "For the Registration, Incorporation, and Regulation of Joint Stock Companies," is required to be registered with the Registrar of Joint Stock Companies, or any Copy of such Deed or Instrument duly authenticated according to the Provisions of the said Statute, shall be produced at the General Registry Office at Adelaide, for enrolment, it shall be lawful for the Registrar General or his Deputy, and he is hereby required, on payment of such fees, and according to such Regulations as shall be in force, to cause the same to be enrolled in the said office, and, on demand, to furnish Office Copies of such enrolment, certified under his hand; which Office Copies shall in this Province be evidence to the like intents and purposes as any Instrument

Instrument authenticated by the Registrar of Joint Stock Companies would be received in England.

VII. AND WHEREAS, by the said first recited Deed, it is provided, (Sec. 2), "that No. 34, Broad Street Buildings, in the City of London, is the principal place appointed for carrying on the business of the Company," and it is expedient to remove all doubts which might obstruct the amenability of the Company to legal proceedings in the Province: BE IT ENACTED, that the said Company, and the Officers and Members thereof, shall be liable to be sued and proceeded against before the Courts and Jurisdictions of the Province as fully and effectually as in England; and the Office of the Company, in the City of Adelaide, shall be one of the principal places of business of the said Company, within the meaning of the Statutes and Laws in that behalf.

Company may be sued in the Colony in like manner as in England.
Deed, Sec. 2.

VIII. AND WHEREAS, by the said first-recited Deed, it is provided that the capital of the Company shall be Thirty thousand pounds, and that the same shall be divided into fifteen hundred equal shares of Twenty pounds each, and that not less than one-fifth of the said shares shall be offered for subscription in the Province: AND WHEREAS it is found that such one-fifth is inadequate, BE IT THEREFORE ENACTED, that the capital of the Company shall be Forty-five thousand pounds, and that the additional Fifteen thousand pounds, shall be divided into equal shares of Twenty pounds each, and shall be apportioned in such manner as the Managers shall think fit, amongst the parties who have executed, or shall hereafter execute any Deed, subscribing such additional capital with the object of joining in this undertaking: PROVIDED ALWAYS, that the Directors of the said Company appointed under the said first-recited Deed, shall not be empowered to borrow or raise by way of mortgage, or upon bond, more than Fifteen thousand pounds in the whole.

Capital.
Deed, Sec. 3 & 4.

IX. AND BE IT ENACTED, that the number of Shares into which the capital shall be divided, shall not exceed Two Thousand Two Hundred and Fifty, and the amount of each Share shall be Twenty Pounds.

Number and amount of Shares.

X. AND WHEREAS, certain persons have subscribed to an undertaking, called the "South Australian Railway Company," which has been amalgamated with the "Adelaide City and Port Railway Company:" BE IT ENACTED, that every person who shall have executed the Subscription Deed of such Company, shall receive one Share of Twenty Pounds, for every four Shares of Five Pounds subscribed for by him, and the said person shall contribute to the same capital in the aforesaid proportion, accordingly.

One share of £20 to be given in lieu of four shares of £5 each.

XI. AND

Calls.

XI. AND BE IT ENACTED, that Two Pounds per share shall be the greatest amount of any one call which the Company may make on the Shareholders, and twenty-eight days at the least shall be the interval between each call.

Shares transferable, and may be registered in England or in the Colony.

XII. AND BE IT ENACTED, that Shares, whether issued in England or in this Province, may be transferred and registered at the principal office of the Company in England or in this Province, and that (except in the election of Local Managers as hereinafter provided) the holders of Shares shall be entitled to exercise all their rights, powers, and privileges in England and in this Province: PROVIDED ALWAYS, that persons who shall give proxies, shall be deemed Shareholders for the purpose of voting at any meeting, if it appear by the register or otherwise, in the office of the Company where such meeting is held, that such person is a Shareholder, and it shall not appear by the said register, or otherwise, that he is no longer a Shareholder.

By-Laws to be subject to confirmation and disallowance of the Governor.

Deed, Sec. 23.

No. 7 of 1847. }
Secs. 107, 108. }

XIII. AND BE IT ENACTED, that no By-law made in pursuance of the said recited Deed, shall have any force or effect in the Province, until the same shall have been approved by the Governor, and all such By-laws shall be subject to disallowance by the Governor, in manner provided by (Sections 107 and 108 of) the "Railways Clauses Consolidation Act."

Saving the powers of the Attorney of the Directors.

XIV. AND BE IT ENACTED, that the Attorney of the Company, for the time being, shall be a Manager in the Province, and shall exercise all the authorities in his Power of Attorney expressed and contained, in so far as they are not inconsistent with, or repugnant to, the Provisions of this Ordinance, or any Law or Ordinance now, or which may hereafter be, in force within the said Province, or any By-law or Regulation made in pursuance thereof.

Number of Managers in the Province.

XV. AND BE IT ENACTED, that notwithstanding anything in the said first-recited Deed contained, there shall be a Board of five Managers within this Province, whereof a majority shall be a quorum, and the Attorney of the Company shall be Chairman, having a casting vote in cases of equality: THAT two of the said Managers shall be nominated by, or on behalf of, the Directors of the Company, and two shall be elected by the Shareholders resident within the said Province, and the qualification of every such Manager shall be the possession in his own right of twenty-five shares in the undertaking: AND that the Attorney, with the advice and consent of the Board, shall exercise all powers, and do all acts necessary for carrying on the undertaking in the Province, subject to the control of the Directors in England, and to such By-laws as may be made and confirmed in pursuance

pursuance hereof: PROVIDED ALWAYS, that the Managers within the Province shall not be empowered to rescind, annul, or vary, any order or direction which may have been, or shall be, given by the Directors appointed under the provisions of the first-recited Deed, or do any act, matter, or thing repugnant to any such order or direction which shall have been received by the said Managers.

XVI. AND BE IT ENACTED, that William Giles and John Bentham Neales, Esquires, shall be the first Managers on behalf of the Shareholders resident within the Province, and that Joseph Barrow Montefiore and John Ellis, Esquires, shall be the first Managers on behalf of the non-resident Shareholders.

First Managers within the Province.

XVII. AND BE IT ENACTED, that the said Managers shall continue in office until the first ordinary meeting of shareholders in the Province; and, at such meeting, the shareholders resident within the Province, present, personally or by proxy, may either continue in office the said two first mentioned Managers elected by them, or either of them, or may elect others to supply the places of those not continued in office, the Managers appointed by this Ordinance being eligible as members of such new body; and, on the same day, it shall be lawful for the Attorney of the Company, on behalf of the Directors, either to re-appoint one or both of the two last-mentioned Managers, or to appoint others in their stead, and the Managers so elected and appointed shall continue in office for the ensuing year, on the expiration of which, similar elections and appointments shall take place, and so on annually thereafter.

Who are to continue in office until the first ordinary meeting of Shareholders.

XVIII. AND BE IT ENACTED, that a quorum of a meeting of Managers shall be three.

XIX. AND BE IT ENACTED, that the number of Managers of which committees appointed by the Managers shall consist, shall not be less than three, and the quorum of such committees shall be such as the Managers shall, at the time of appointing the said committee, prescribe.

Committee of Managers.

XX. AND BE IT ENACTED, that all deposits, calls, and other monies, and securities for money, which shall from time to time become payable in South Australia, and which according to the said recited Deed (Sec. 62) are appointed to be paid into such Bank in the said colony as shall from time to time be approved of by the Directors, shall be so paid into Bank at the sight of the Local Board of Managers, and that every Draft, Cheque, or Order upon such Bank, signed by the Resident Attorney, shall be countersigned by some one of the Local Managers.

Monies in South Australia to be banked at the sight of the Local Managers.

Deed, Sec. 62.

And Attorney's cheques to be countersigned.

Deed, Sec. 65.

XXI. AND

All Documents required by Colonial Shareholders to be open to inspection. Deed, Sec. 74, 76.

XXI. AND WHEREAS, it is by the said Deed provided that certain Documents therein enumerated only, shall be kept at the place of business in the Colony, open to the inspection of the Shareholders: BE IT ENACTED that the said Provision shall extend to all Documents, or Copies of Documents, which by the Resolution of any General Meeting in the Province, shall be required for the inspection and use of the Shareholders resident in the Province.

Power to make Railway according to deposited plans.

XXII. AND WHEREAS plans and sections of the undertaking showing the line and levels thereof, and also plans and sections showing alternative lines and levels, and also books of reference containing the names of the owners and occupiers, or reputed owners and occupiers, of the lands through which the same is intended to pass, have been deposited with the Surveyor-General: BE IT ENACTED that, subject to the provisions of this Ordinance, it shall be lawful for the said Company to make and maintain the said main line of Railway, branches, and works, in the line and upon the lands delineated on the said plans, and described in the said books of reference, and to enter upon, take, and use such of the said lands as shall be necessary for such purpose.

Main line of Railway.

Branch Railway to the harbor, northward of the present place of shipment.
Branch Railway to the North Arm.

XXIII. AND BE IT ENACTED, that the main line of the said Railway shall commence in the Stone Quarry, near the Council Chamber, in the City of Adelaide, pass along the Port Road to Albert Town, and terminate on Section 2112, at the New Port; with a Branch Railway, commencing by a junction with the said main line of Railway at or near Section 2112, and terminating at the shore of the harbor at Hindmarsh Reach; and another Branch Railway, commencing by a junction with the aforesaid Branch at or near the north-east corner of Section 2011, and terminating on the shore of the harbor at Hindmarsh Reach, near to the North Arm.

List of crossings on the level.

XXIV. AND BE IT ENACTED, that, subject to the provisions in the said "Railways' Clauses' Consolidation Act" contained, in reference to the crossing of roads on a level, it shall be lawful for the Company, in the construction of the Railway and Branches by this Ordinance authorised to be made, to carry the same on the level across the several said roads lettered on the plan hereinbefore mentioned, as follows, (that is to say), A, B, C, D, E, F, G, and H: PROVIDED that the Company shall construct convenient footways under the Rails, and keep up a safe communication across the Railway between Hindmarsh and Bowden, in the Ravine there situate; and between North and South Adelaide, near the Site of the former Stone Bridge, at the points lettered on the said plan I and K: And that a good and sufficient fence, of four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Proviso.
Sec. 20.

XXV. AND

XXV. AND BE IT ENACTED, that it shall be lawful for the said Company to lay down rails to any wharf or wharfs, if the owner or owners thereof shall consent thereto: PROVIDED ALWAYS, that no such rails shall pass over, along, or into any road, without the written sanction and approval of the proper authorities.

Power to lay down rails to any wharf on consent of owners.

XXVI. AND BE IT ENACTED, that between the Termini at the Port and the Wharfs, within the distance of half-a-mile, the Railway Company shall provide conveyance for Goods either by Rail or otherwise, at the same charges as on the Railway, according to the distance: PROVIDED ALWAYS, that this Regulation shall not apply in any case where any party entitled shall refuse to allow the necessary branch rails to be laid down, nor in any case where there is not a sufficient Road for ordinary traffic, communicating with the terminus: PROVIDED ALSO, that any proprietor or occupier, laying down sufficient and proper Rails over his Wharf, communicating with the Company's Lines, shall be entitled to have the Company's Carriages run upon such Rails for the purpose of loading and unloading on the wharfs, free of charge, except the usual charge according to the distance.

Branches to the Wharfs.

XXVII. AND BE IT ENACTED, that the quantity of land to be taken by the Company for extraordinary purposes, shall not exceed twenty acres.

Lands for additional stations.

XXVIII. AND BE IT ENACTED, that the powers of the Company for the compulsory purchase of lands for the purposes of this Ordinance, shall not be exercised after the expiration of Two years from the passing of this Ordinance.

Period within which lands are to be purchased.

XXIX. AND BE IT ENACTED, that the Company shall be bound to provide Conveyances for all Military, Police and other Forces, when proceeding on duty, and for all public Mails and Public Stores, by the ordinary trains, free of charge, subject in other respects to the provisions of the "Railways Clauses Consolidation Act": And in event of war or civil commotion, the Company shall, on the requisition of the Local Government, place the whole of the resources of the Railway at its disposal, at the charge actually incurred by the Company.

Troops, Stores, and Mails.

No. 7 of 1847. }
Secs 123, &c. }

XXX. AND BE IT ENACTED, that the provisions and powers of the "Railways Clauses Consolidation Act," for entering upon the Company's Lands, and establishing and laying down a line of Electrical Telegraph, and for using the same, shall extend and apply, not only to persons authorised by the Governor for Her Majesty's service, but also to any Company, Partnership, or Person, willing to establish an Electrical Telegraph, subject to such reasonable

Electrical Telegraphs.

No. 7 of 1847. }
Secs. 147, and }
148. }

able regulations as may be made by the Company with the approval of the Governor.

Railway to be maintained in good and efficient repair.

No 7 of 1847. }
Sec. 149. }

XXXI. AND, in order to guard against accident, and to ensure that the Railway shall be properly maintained, BE IT ENACTED, that the Company shall be bound at all times duly to maintain the Railway, Branches, and whole undertaking, in good and efficient repair and working condition, and in case it shall at any time appear to the Governor, upon the report of any Inspector appointed pursuant to the "Railways Clauses Consolidation Act," that the works in any part are not in good and efficient repair and working condition, it shall be lawful for the Governor, after such notice and requisition as to him shall seem fit and proper, and on default by the Company, to direct the necessary repairs and works to be performed at the cost of the Company, by persons to be appointed by him in that behalf, and the cost of executing such repairs and works, and all charges connected therewith, shall and may be recovered from the Company at the suit of the Crown, before any competent jurisdiction, in like manner, and by such means as any person aggrieved, or otherwise authorised to sue for damages or penalties, might employ under the provisions of the said Ordinance.

Gauge of the Railway.

XXXII. AND BE IT ENACTED, that the gauge of four feet eight and a half inches shall be the gauge to be used in the said Railway.

Construction of Railway and means of travelling.

XXXIII. AND WHEREAS it is expedient to secure that the Railway shall be of adequate construction, and that the means of travelling shall be commodious: BE IT ENACTED, that the Rails to be used in the construction of the Railway and Branches shall be of iron, and of the weight of not less than Fifty-six Pounds to the yard: The propelling power shall be locomotive engines: The Company shall provide trains in sufficient number, to the satisfaction of the Governor, for ordinary traffic, to travel along the Railway from one end to the other of each trunk, branch, or junction line, each way on every week-day, except Christmas Day and Good Friday: And such trains shall travel at the average rate of speed of not less than fifteen miles an hour for the whole distance travelled, including stoppages.

Period of completing works.

XXXIV. AND BE IT ENACTED, that the undertaking shall be completed within Three years from the passing of this Ordinance; and on the expiration of such period, the powers of this or the recited Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said undertaking as shall then be completed.

Proportion of Railway to be ready in eighteen months.

XXXV. AND BE IT ENACTED, that if within eighteen months from the passing hereof, five consecutive miles at the least, of the said

said Railway shall not be made and completed so as to be fit for use for the conveyance of passengers and goods, to the satisfaction of the Governor, or any Inspector appointed by him, or if the said Railway and Branches shall not be completed, with a sufficient establishment for working the same, to the satisfaction of the Governor or Inspector aforesaid, and opened for traffic within the space of Three years from the passing of this Ordinance, or within such further period as the Governor shall appoint, then it shall be lawful for the Governor, by proclamation published in the *South Australian Government Gazette* to declare this Ordinance to have ceased and determined, and thereupon, all and every the grants of land which shall be made by or on behalf of Her Majesty for the purposes of the said Railway and Branches, and the rights and privileges conferred by this Ordinance, shall be utterly null and void, and the land and privileges shall revert to and revest in Her Majesty as fully and effectually as if no grant had been made, or privileges conferred: PROVIDED ALWAYS, that the Governor may, at any time or times, by writing under his hand, extend the respective periods for completing and for opening the said Railway and Branches, or any part thereof.

Grants and privileges to revert, if Railway be not completed within three years.

XXXVI. AND BE IT ENACTED, that it shall be lawful for the Company to demand any Tolls for the use of the Railway, not exceeding the following (that is to say):—

1. In respect of the tonnage of all articles conveyed upon the Railway, or any part thereof, not in this Ordinance otherwise particularly specified,—not exceeding the rate of sixpence per ton per mile: PROVIDED ALWAYS, that Goods and Merchandise to be delivered in Adelaide, shall, if required, be delivered on a level not lower than the level of the door-sill of the present Council Chamber, without extra charge.

Tonnage on articles conveyed.

For every carriage, of whatever description, having more than two wheels, 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 whether belonging to the Company or otherwise, per mile—Not exceeding Tenpence; and for any fractional part of a Ton beyond one Ton, which any carriage may weigh, a like sum per mile of Fivepence.

2. In respect of passengers and animals conveyed upon the Railway in carriages, whether belonging to the Company or otherwise, as follows:—

Tolls for passengers and cattle.

For every person conveyed in or upon any such carriage, being

being a first-class carriage, or compartment of a carriage, per mile—Not exceeding Twopence.

For every person conveyed in a second class carriage or compartment, per mile—Not exceeding One penny half penny.

For every person conveyed in a third-class carriage or compartment, per mile—Not exceeding One penny.

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.

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle, conveyed upon the Railway, per mile—Sixpence.

For every calf, sheep, lamb, pig, or other small animal, conveyed in or upon the railway—One Penny per mile.

Tolls to include use
of locomotive power.

XXXVII. PROVIDED ALWAYS, AND BE IT ENACTED, that in the said tolls shall be included the toll for the use of the carriages and of the engines for propelling the carriages on the said Railway, and that no further charge than is heretofore stated, shall be made by the Company for the use of such engines: PROVIDED ALSO, that nothing herein contained shall be construed to prevent the Company from charging for the use of engines and carriages for Special and Express Trains; AND PROVIDED ALSO, that any persons or corporations employing their own locomotive engines and carriages shall be entitled to run such engines and carriages upon the said Railway and Branches, paying seventy per cent of the tolls received or payable in respect of the goods and passengers conveyed or carried by such engines and carriages.

Regulations as to
the tolls.

XXXVIII. AND BE IT ENACTED, that in addition to the prescribed tolls for the conveyance of articles, the said Company 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 of the Company.

That with respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight.

That with respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of hard wood, and fifty cubic feet of other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity: PROVIDED that any

any quantity less than half a Ton may be charged for as half a ton.

XXXIX. AND with respect to small packages and single articles of great weight, BE IT ENACTED, that, notwithstanding the rate of tolls hereinbefore prescribed, the Company may lawfully demand the tolls following (that is to say):—

Tolls for separate parcels.

For the carriage of small parcels on the Railway, for any parcel not exceeding Twenty-eight Pounds in weight—not exceeding Sixpence.

For any parcel not exceeding Fifty-six Pounds in weight not exceeding Ninepence.

For any parcel not exceeding One Hundred and twelve pounds in weight,—not exceeding One Shilling; and not exceeding Fourpence for every additional Fifty-six pounds in weight.

PROVIDED ALWAYS, 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 term shall apply only to single Parcels in separate packages.

Proviso.

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 Company may demand such sum as they shall think fit.

XL. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, that in all cases where any article, matter, or thing, not being a small package, shall be carried or conveyed along the said Railway and Branches for so short a distance that the rate or sum of money authorised by this Ordinance to be demanded or received for the carriage of the same, shall not amount to the sum of Two Shillings per ton, the said Company shall be at liberty, and they are hereby authorised and empowered, to demand and receive the sum of Two Shillings per ton thereon, anything in this Ordinance contained to the contrary thereof notwithstanding.

Company to be entitled to receive a fixed sum per ton for short distances.

XLI. AND BE IT ENACTED, that the owners or consignees of articles, shall remove the same from the station or terminus of their destination on the said Railway, within six 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 twelve hours after such hour in the morning, and in default of such removal, shall be liable to demurrage

Goods to be removed within a certain time.

Proviso. Ware-
house rent for goods
not removed.

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 such 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, it shall be lawful to and for the said Company to charge and receive the sum of Two Shillings and Sixpence per ton per week, for the warehouse-room thereof.

Passengers'
Luggage.

XLII. AND BE IT ENACTED, that every passenger travelling upon the Railway may take with him his ordinary luggage, not exceeding One Hundred Pounds in weight for First-class Passengers, Sixty Pounds in weight for Second-class Passengers, and Forty Pounds in weight for Third-class Passengers, without any charge being made for the carriage thereof.

Powers of Revision
of Tolls.

No. 7 of 1847 }
Secs. 140, &c. }

XLIII. AND WHEREAS, the powers of Revision of Tolls and option of Purchase of the Railway, provided by the "Railways Clauses Consolidation Act" (Sec. 140, 141, 142,) are inadequate: BE IT ENACTED, that anything therein provided notwithstanding, whensoever after the completion and opening of the Railway and Branches, it shall be declared by a Resolution passed by the Local Legislature that the rates of Tolls levied by the Company are excessive, it shall be lawful for the Governor, subject to the provisions hereinafter contained, upon giving to the Company three calendar months' notice, in writing, of his intention so to do, to revise the Scale of Tolls, Fares, and Charges, limited by this Ordinance, and to fix such scale of Tolls, Fares, and Charges, applicable to such different classes and kinds of passengers, goods, and other traffic on the Railway, as in the judgment of the said Governor, assuming the same quantities and kind of traffic to continue, shall be likely to reduce the profits to be divided to the rate of Twenty Pounds for every Hundred Pounds of paid up Capital Stock : PROVIDED that the Company may, if dissatisfied with such revised scale, reject the same, and abandon the undertaking to the Government upon giving to the Government three calendar months' notice of such intention, and thereupon the Government shall be bound to complete the purchase at the price and on the terms after mentioned.

Option of Purchase
by Government.

XLIV. AND BE IT ENACTED, that, with a view to determine the price and value of the Railway, the same shall be taken to be the amount of twenty-five years' purchase, at the rate of Ten Pounds for every Hundred Pounds of paid up Capital Stock ; and as often as, in exercise of the powers given by this Ordinance, the paid up Capital shall be increased, then the price and value shall be augmented in the like proportion

proportion of Twenty-five years purchase, at the rate of Ten Pounds for every Hundred Pounds of such additional Capital actually paid up at the time of purchase: AND it shall be lawful for the Governor, with the advice and consent of the Legislative Council, at any time after the completion and opening of the said Railway and Branches, to purchase the said Railway, Branches, and whole undertaking, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months' notice, in writing, of such intention, on payment or security, as hereinafter provided, of the purchase money at the rate so ascertained as aforesaid, deducting the amount of all liabilities of the Company, including sums secured on the undertaking, within the limit of the powers of borrowing given by this Ordinance, in case such liabilities shall exceed the available assets of the Company at the time of the transfer of the undertaking to the Government. PROVIDED ALWAYS, that instead of immediate payment of such price, it shall be in the option of the Government to secure the same on the General Revenues of the Province, with interest at the rate of Eight Pounds in the Hundred per Annum, to be paid annually to the Shareholders, and on such payment or security being perfected in such manner as shall be prescribed by the Governor with the advice and consent of the Legislative Council, the Railway, Branches, and whole undertaking, with all its hereditaments, stock, and appurtenances, shall vest in Her Majesty, Her Heirs and Successors, for public uses.

XLV. AND BE IT ENACTED, that an Annual Account, in Abstract, shall be prepared of the total receipts and expenditure of all funds at the disposal of the Company for the purposes of the Undertaking, whether arising from Tolls, Charges, Loans, or any other service, for and during the past year, 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 Local Managers, and also by the Auditors, and that a copy of such Annual Account shall be transmitted free of charge, to the Colonial Secretary, on or before the first day of March in each year, under a penalty not exceeding One Thousand Pounds, to be recovered in the Supreme Court of South Australia, by any party who shall sue for the same, for not preparing and sending in the said account, such account to be, as soon as practicable, published in the *South Australian Government Gazette*, at the expence of the Company, and to be open at all seasonable hours to the inspection of the public, upon payment of the Fee of One Pound,

Company to furnish
an Annual Abstract
of Accounts.

XLVI. AND BE IT ENACTED, that it shall be lawful for the Governor, from time to time, as often as he shall deem fit, to in-

Auditor-General
may examine the
Company's ac-
count.

struct the Auditor-General of Public Accounts of the Province, either in conjunction with the Auditors of the Company, or singly, to examine and audit the accounts of the Company, and the Directors or Managers shall cause all Vouchers and other Documents necessary for verifying the Accounts to be produced before the said Auditor-General, who shall prepare a statement showing the Revenue and Expenditure of the Company, to be published for general information in the *South Australian Government Gazette*.

To secure conformity to this Ordinance, a Supplementary Deed to be executed.

Penalty.

7 and 8 Viet. c. 110
Sec. 7, 10, &c.

XLVII. AND WHEREAS, the said recited Deed of Settlement is modified by the present Ordinance, and it is expedient to provide, so far as can lawfully be done by the Colonial Legislature, for placing the Company under concurrent regulations in England and South Australia: BE IT THEREFORE ENACTED, that the Directors shall cause a new or Supplementary Deed to be prepared in accordance with the provisions hereof, containing a Covenant on the part of every Shareholder, with a Trustee on the part of the Company, to maintain, abide by, perform, observe and fulfil the provisions of this Ordinance, and all other laws hereafter to be in force in the Province applicable to the undertaking and to such Shareholders; AND the said Directors shall require all Shareholders not being resident within the Province to execute such Deed: AND no such Shareholders shall be entitled to vote or act in any proceedings of the Company, or take any benefit therefrom, until he shall have executed such Supplementary Deed: AND it shall be lawful for the Directors, subject to and with the approval of General Meetings, to declare, that the shares in respect of which any Shareholder shall make default in executing such Deed, shall be liable to forfeiture; and after the like notice, and with the like incidents as in the case of forfeiture for non-payment of calls, such shares shall be forfeited accordingly, and may be sold and disposed of, or, at the option of the Company, may be consolidated in the General Fund of the Company: AND after the expiration of a reasonable and sufficient time from such requisition, and notice to execute as aforesaid, the Directors shall take all lawful steps for the due registration of the said Supplementary Deed by the Registrar of Joint Stock Companies, and for the sanction of the Company (as hereby reconstituted) by the proper authorities in England, according to the Statutes in that behalf: PROVIDED, that after the expiration of two years from the passing hereof, in case of undue default in compliance with this present enactment, it shall be lawful for the Governor, with the advice and consent of the Legislative Council, to declare the rights, powers, and privileges of the Company, its officers and members, in whole, or in part, to be forfeited, and to repeal this Ordinance, subject only to such terms and conditions as shall then appear best for the public interests.

XLVIII. AND

XLVIII. AND BE IT ENACTED, that nothing herein contained shall be deemed or construed to exempt the Railway by this Ordinance authorised to be made, from the provisions of any General Act, Ordinance, or Law relating to Railways which may hereafter be in force within the Province. AND, that it shall be lawful for the Governor and Colonial Legislature, by any future enactments, to repeal, alter, or amend, any part of this Ordinance, without being responsible on that account to provide compensation or indemnity to the Shareholders of the Company.

Provision for future Acts.

Power to repeal, alter, or amend this Ordinance.

XLIX. AND BE IT ENACTED, that nothing contained in this Ordinance, or in the Acts herein recited or referred to, shall extend to authorise the Company to take or use any land or soil, or any rights or privileges in respect thereof, belonging to her Majesty, without the consent in writing of the Governor of this Province for the time being, first had and obtained; and nothing herein contained shall be deemed to affect any right, title, or interest of Her Majesty, her Heirs, or Successors, or of any Body Politic, or Corporate, or of any other person, save such as are mentioned herein, and those claiming by, from, through, and under them.

Saving rights of the Crown and others.

L. AND WHEREAS the Company will incur great expense in making and maintaining the drainage of the Railway and works, and in wages to Police, and is by this Ordinance required to carry mails, police and military, and public stores, free of charge; BE IT THEREFORE ENACTED, that the undertaking shall be and is hereby declared to be exempt from Sewers, Highway, Municipal, Police, Improvement, and all other local Rates and Taxes, now or hereafter to be imposed.

Exemption from local rates.

LI. AND BE IT ENACTED, that this Ordinance shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

LII. AND BE IT ENACTED, that in citing this Act in other Acts, and in legal instruments, it shall be sufficient to describe it as "The Adelaide City and Port Railway Act."

Short Title of Act.

LIII. AND BE IT ENACTED, that where the word "Undertaking" is used in this Ordinance with reference to the said Railway, branches and works, the said word shall be construed to mean the Railway, Branches, Sidings, Termini, Stations, Conveniences, and Works, by this Ordinance authorised to be made; and that where the words "Attorney of the Company" occur, they shall be construed to mean the Attorney for the time being, appointed under the provisions of the first mentioned Deed.

Interpretation of the words "Undertaking" and "Attorney of the Company."

LIV. AND

LIV. AND BE IT ENACTED, that this Ordinance shall commence and take effect from and after the passing thereof.

H. E. F. YOUNG,

Lieutenant-Governor.

*Passed the Legislative Council, this
Nineteenth day of February, One
Thousand Eight Hundred and
Fifty*

W. L. O'HALLORAN,

Clerk of Council.