

No. V.**RAILWAYS GAUGE. An Act for regulating the Gauge of Railways.
[27th July, 1852.]**

WHEREAS it is expedient to define the Gauge on which Railways shall be constructed within the Colony of New South Wales Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

General Railway Gauge to be 5 feet 3 inches.

Penalties for non-compliance.

Power to abate Railway made contrary to this Act.

Penalties recoverable by Crown Law Officers.

1. It shall not be lawful to construct any Railway for the conveyance of passengers on any Gauge other than a Gauge of five feet three inches.

2. And if any Railway used for the conveyance of passengers shall be constructed or altered contrary to the provisions of this Act the company or person authorized to construct the Railway or in the case of any demise or lease of such Railway the company or person for the time being having the control of the works of such Railway shall forfeit ten pounds for every mile of such Railway which shall be so unlawfully constructed or altered during every day that the same shall continue so unlawfully constructed or altered and in estimating the amount of any such penalty any distance less than one mile shall be estimated as a mile.

3. And over and above the penalty hereby provided if any Railway used for the conveyance of passengers shall be constructed or altered contrary to the provisions of this Act it shall be lawful for the Surveyor General of the Colony or other officer or person authorized by the Governor of the Colony in that behalf to abate and remove the same or any part thereof so constructed or altered contrary to the provisions of this Act and to restore the site thereof to its former condition.

4. All penalties under this Act may be recovered from the company or persons liable to pay or make good the same by or in the name of Her Majesty's Attorney or Solicitor General for the said Colony and shall be paid to Her Majesty Her Heirs and Successors to be applied to the public uses of the said Colony and in support of the Government thereof in such manner as may be directed by any Act or Acts to be passed by the Governor and Legislative Council.