

No. XI.

An Act for regulating the Gauge of Railways. RAILWAYS GAUGE. [4th August, 1853.]

BE it enacted by His Excellency the Governor of New South Wales 16 Vic. No. 5 with the advice and consent of the Legislative Council thereof repealed. That the Act of Council passed in the sixteenth year of Her present Majesty's reign for regulating the Gauge of Railways in New South Wales shall be and the same is hereby repealed.

2. It shall not be lawful to construct any Railway for the conveyance of passengers on any Gauge other than a Gauge of four feet eight inches and a half. General Railway Gauge to be 4 feet 8½ inches.

3. 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 the 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. Penalties for non-compliance.

4. 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 and the costs thereof shall be payable by and recoverable in some Court of competent jurisdiction from the company or other person so offending against the provisions of this Act and shall be applied in reimbursement of the expenses attendant thereon. Power to abate Railway made contrary to this Act.

Courts of Requests Fees.

Penalties recoverable
by Crown Law
Officers.

5. 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 by action of debt in the Supreme Court 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.
