

Act No. 85, 1902.

An Act to sanction the construction of a line of Railway from Cobar to Wilcannia; to amend the Public Works Act, 1900, so far as relates to the duty of the Constructing Authority to make and maintain fences along the said line; to authorise the construction of the said line on public roads; and for other purposes.

[26th September, 1902.]

COBAR
TO WILCANNIA
RAILWAY.

WHEREAS, in accordance with the provisions of the Public Works Act, 1900, the Legislative Assembly did, by resolution, declare that it was expedient to carry out a certain work, namely, the construction of a line of railway from Cobar to Wilcannia: And whereas on the passing of the said resolution a statutory duty was by the said Act imposed on the Secretary for Public Works to introduce a Bill into the said Assembly to sanction the carrying out of the said work: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Cobar to Wilcannia Railway Act, 1902." Short title.

2. The carrying out of the work, more particularly described in the Schedule to this Act, is hereby sanctioned; and the Secretary for Public Works, or the Member of the Executive Council for the time being performing the duties of the said Secretary, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of, a Constructing Authority within the meaning of the Public Works Act, 1900:

Provided that the said work shall not be commenced to be constructed unless the private lands required for the construction of the line have been contracted by instrument in writing, to be conveyed by deed of gift, transfer, or exchange to the Crown, or there has been paid to the Constructing Authority a sum equal to or greater than the amount estimated by the said Authority to be required for the purchase or resumption of land (not being land within two miles of the boundaries of the municipalities of Cobar and Wilcannia respectively) for the said work, and the money so paid shall be applied for the purpose of the said purchase or resumption.

Cobar to Wilcannia Railway.

It shall be lawful for all parties being seised, possessed of, or entitled to, any such land, or any estate or interest therein, to contract to give and convey or release, and to give and convey or release the same to the said Secretary or Member for and on behalf of His Majesty; and the parties who are, by sections forty-five and forty-six of the Public Works Act, 1900, empowered to sell and convey or release lands which may be acquired under that Act are, if so seised, possessed, or entitled as aforesaid, hereby empowered to contract to give and convey or release, and to give and convey or release land so required for the carrying out of and the said work, for and on behalf of the same persons respectively for and on behalf of whom they are empowered to sell and convey or release lands under that section.

Plan of work.

3. The plan of the said work is the plan marked "Cobar to Wilcannia Railway," signed by the Secretary for Public Works and countersigned by the Engineer-in-Chief for Railway Construction, and deposited in the public office of the said Secretary.

4. The cost of carrying out the said work, estimated at five hundred and forty-three thousand five hundred and twenty-seven pounds, may be defrayed from such Loan Votes as are now or may hereafter be applicable to that purpose, and shall not under any circumstances exceed the estimated cost by more than ten per centum.

Constructing Authority not required to fence the line.

5. Notwithstanding the provisions of section eighty-four of the Public Works Act, 1900, the Constructing Authority shall not be required nor compelled nor shall it be the duty of the said Authority to make or maintain any fence along the said line of railway for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said line of railway as it may think fit.

Line may be on road.

6. The said line of railway may be constructed on any public road.

SCHEDULE.*Cobar to Wilcannia Railway.*

This line is an extension of the Nyngan to Cobar railway, and beginning at four hundred and fifty-nine miles thirty-six decimal sixty chains from Sydney proceeds in a generally west by south direction between the parishes of Balah and Amphitheatre, and through Gidgie, Springfield, Bluff, Cuckaroo, and passing south of Brockmetta Lake, and close to Rock Tank; after crossing Bulla Range, the line runs northwards down Cookermilerie Creek, and again westerly through the parishes of Wooree, Moama, to Moama out-station; thence west by south through the parishes of Yoree, Neelyah, and Weatherley, and along the southern boundaries of Goonalgaa, and Calcoo, through Gunyulka to travelling stock reserve number three hundred and twenty-one; the line then follows this north north-westerly to the east bank of Darling River, where it ends at about one mile forty-eight chains from the western boundary of reserve five hundred and eighty-seven in the township of Wilcannia, measured back along the staked line, being a total length of about one hundred and sixty-three miles seventy-two chains, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.