

No. XVIII.

PUBLIC RAILWAYS
LAND RESUMPTION.

An Act to authorize for a certain period after Purchase from the Crown the resumption of Land for Public Railway purposes. [16th June, 1874.]

BE it enacted by the Queen'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 :—

Crown Lands
alienated &c. after
passing of this Act
to be subject to
resumption.

1. All lands which after the passing of this Act shall be purchased from the Crown either absolutely or conditionally shall during a period of five years from the date of the purchase thereof be subject to resumption by the Governor with the advice of the Executive Council for and on behalf of Her Majesty to such extent at such times and in such manner as the said Governor with the like advice may think fit in view of or for any purposes connected with the construction maintenance or extension of Public Railways or Railway Stations.

Compensation for
resumed land how
ascertained.

2. The grantee or conditional purchaser of any land resumed under the authority of this Act or the alienee of such grantee or purchaser or any person possessed of or entitled to such an estate or interest in such land as were the same required for the purposes of the Government Railways Act twenty-second Victoria number nineteen might under the provisions of the said Act be sold and conveyed to the
Commissioner

Public Railways Land Resumption.

Commissioner for Railways for and on behalf of Her Majesty shall upon service of the notice of resumption hereinafter mentioned be entitled to be paid in consideration of and as compensation for such resumption by the Colonial Treasurer a sum of money for each acre or portion of an acre of land so resumed equal to the amount of purchase money paid per acre by the grantee or to the amount of deposit per acre paid by the conditional purchaser for such land as the case may be together with one hundred per centum on the amount of such purchase money or deposit and in addition thereto the value of any improvements of whatever value the same may be made and then being upon such land so resumed such value to be ascertained by appraisalment under the provisions of the "Crown Lands Alienation Act of 1861" Provided always that in the event of such grantee purchaser or other person being under any of the disabilities mentioned in the eighteenth section of the said Government Railways Act it shall be lawful for the Colonial Treasurer to pay the amount to which such grantee purchaser or person is entitled under this Act to the persons and in the manner and subject so far as practicable to the provisions mentioned in the said last-mentioned Act And such payment shall be a full and effectual discharge to the said Treasurer in respect of the amount to which such grantee purchaser or person is entitled as aforesaid.

3. When any land is intended to be resumed under the authority of this Act the Secretary for Lands shall cause a notice in the form in the Schedule hereto to be served upon the parties interested in or entitled to sell such land in the same manner as nearly as practicable as notices are required to be served under the provisions of the twenty-third section of the said Government Railways Act And upon service delivery or advertisement of such notice in such manner as aforesaid the land described therein and the fee simple and inheritance thereof shall thenceforth together with the yearly profits thereof and all the estate and interest of every person therein be vested in Her Majesty her heirs and successors for the purposes of this Act absolutely free from all rights of way easements and other rights whatsoever And such land shall thereupon become and be dealt with as Crown lands reserved for public railway purposes.

Notice and effect of resumption.

4. After the passing of this Act no compensation for land resumed under the authority of this Act shall be awarded under the provisions of the said Government Railways Act and no claim or remedy of any person in respect of such land shall be allowed or entertained in any Court or by any person whomsoever otherwise than under the provisions of this Act but nothing in this Act shall affect (otherwise than as herein expressly provided) the provisions of the said Government Railways Act or any proceeding matter or thing done or commenced thereunder before the passing of this Act.

Exclusion of other claims remedies &c. Saving clause.

5. All moneys by this Act directed to be paid by the Colonial Treasurer shall be paid by warrant of the Governor upon the Treasury within one month next after the amount of compensation shall have been determined to the party entitled thereto or to his agent duly authorized in writing in that behalf but in every case the party claiming payment under the provisions of this Act in respect of any land resumed under the authority thereof shall be bound to make out a title to the said land or to the interest claimed by him therein to the satisfaction of the Secretary for Lands.

Colonial Treasurer to pay compensation within one month &c.

6. This Act may be cited as the "Public Railways Land Resumption Act of 1874."

Short title.

Companies.

SCHEDULE.

Notice of Resumption under the "Public Railways Land Resumption Act of 1874."

To

Dated the of

THE land hereunder described has been resumed for the purposes of the "Public Railways Land Resumption Act of 1874."

(Signed)

Secretary for Lands.

Description of Land resumed.
