

Act No. 57, 1906.

An Act to ratify a certain agreement between the Governments of the States of New South Wales and Victoria providing for the extension of the Victorian Railways to Tocumwal, in the State of New South Wales; for the above purposes, to provide for the construction of work, the appropriation, resumption, acquisition, and vesting of land; and for other purposes consequent thereon or incidental thereto. [29th December, 1906.]

TOCUMWAL  
RAILWAY  
EXTENSION.

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**W**HEREAS a certain agreement was entered into on the nineteenth day of April, one thousand nine hundred and six, between The Honorable Joseph Hector Carruthers, Premier and Colonial Treasurer of the State of New South Wales, for and on behalf of the Government of New South Wales, of the one part, and The Honorable Thomas Bent, Premier of the State of Victoria, for and on behalf of the Government of Victoria, of the other part, a copy of which

Preamble.

*Tocumwal Railway Extension.*

which said agreement is set out in Schedule One to this Act: And whereas it is expedient that the said agreement should be ratified, and that certain powers should be vested in the Government of the State of Victoria: 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:—

Short title.

1. This Act may be cited as the "Tocumwal Railway Extension Act, 1906," and shall come into force on a day to be proclaimed in the Gazette by the Governor.

Ratification of agreement.

2. The agreement, a copy of which is set out in Schedule One to this Act, is hereby ratified and confirmed.

Authority for construction of line by Government of Victoria.

3. The Government of the State of Victoria may construct and maintain a line of railway and other works incidental thereto from a point on the flood channel or flats of the river Murray to Tocumwal, in the State of New South Wales, a distance of approximately two miles (which said line is more fully described in Schedule Two to this Act), and for that purpose may occupy and use any land appropriated, resumed, or acquired by the Secretary for Public Works as hereinafter provided.

Appropriation, resumption, or acquisition of land.

4. The Secretary for Public Works may appropriate, resume, or acquire any lands required for the construction and use of the said line and any works incidental thereto, and for that purpose shall have all the powers and duties of a Constructing Authority under the Public Works Act, 1900. The provisions of the said Act as to the appropriation, resumption, or acquisition of lands for authorised works and the payment of compensation or purchase-money shall apply to any appropriation, resumption, or acquisition of lands under this Act.

Land vested in Victorian Railway Commissioners on completion of works.

5. When the said railway line and other works have been constructed by the Government of the State of Victoria, the land so appropriated, resumed, or acquired may, by proclamation in the Gazette, be vested in the Victorian Railway Commissioners, on behalf of the Government of the State of Victoria.

Commencement of Act.

6. The Governor shall not so proclaim the day on which this Act shall come into force unless and until the Government of the State of Victoria has been empowered by an Act of the Parliament of Victoria to construct the said railway line and other works upon the terms and under the conditions of the agreement, a copy of which is set out in Schedule One to this Act.

SCHEDULES.

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*Tocumwal Railway Extension.*

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## SCHEDULES.

## SCHEDULE ONE.

AN AGREEMENT made and entered into this nineteenth day of April, one thousand nine hundred and six, between The Honorable Joseph Hector Carruthers, Premier and Colonial Treasurer of the State of New South Wales, of the one part, and The Honorable Thomas Bent, Premier of the State of Victoria, of the other part.

WHEREAS it has been agreed between the parties hereto (who enter into these presents for and on behalf of the respective Governments of New South Wales and Victoria) that the Victorian railway system shall be extended into New South Wales from the south bank of the Murray River to Tocumwal upon the terms and conditions hereinafter appearing. Now it is hereby mutually agreed and declared by and between the parties hereto as follows:—

1. The Victorian railway line shall be extended from the south bank of the Murray river to the town of Tocumwal, in New South Wales, the line to be constructed by the State of Victoria.
2. The line shall be carried over the present Tocumwal bridge, the rails being laid flush with the decking, and in such a manner that the bridge will be available for ordinary as well as railway traffic.
3. The present lift in the Tocumwal bridge shall be maintained in order that navigation may not be impeded.
4. The cost of construction of the line from the south bank of the Murray to the railway-station at Tocumwal (a distance of approximately two miles), and including the strengthening of the Tocumwal bridge, shall be borne by the States of New South Wales and Victoria in equal proportions, such cost being estimated at twenty-one thousand seven hundred and twenty-nine pounds, but the actual amount to be certified by railway engineers appointed by the States of New South Wales and Victoria respectively.
5. The Government of New South Wales will resume or acquire any land necessary for construction of the line or railway station in New South Wales territory, the cost of such resumption or acquisition to be borne by the States of New South Wales and Victoria in equal proportions.
6. The cost of maintaining and working the line and of the bridge shall be borne by the State of Victoria.
7. The Government of New South Wales undertakes to take all steps possible to obtain legislative authority for the construction of the line on the Victorian gauge and vesting same in the Victorian Government, and also any authority necessary to sanction the working thereof in New South Wales territory, the collection and enforcement of fares and freights, and the vesting of the control and management of the line in the State of Victoria.
8. The revenue from the said line shall be received solely by the State of Victoria, which will have power to impose special rates between Tocumwal railway station and the south bank of the Murray.
9. The State of Victoria will pay to the State of New South Wales four per centum per annum upon her proportion of the capital cost of the said line, including the cost of resumption, such payment representing interest and sinking fund, and to be a first charge upon the revenue from the line after deducting cost of maintenance and working expenses.

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*Sydney Abattoir Construction.*

10. Any alteration necessary for the purpose of strengthening the Tocumwal bridge, carried out by the State of Victoria, will be subject to the joint approval of the engineers to be appointed by the States of New South Wales and Victoria respectively.

As witness the hands and seals of the parties, the day and year first before written,—

Signed, sealed, and delivered by The }  
 Honorable Joseph Hector Carruthers, } J. H. CARRUTHERS.  
 in the presence of,—

CHARLES A. LEE.

And by The Honorable Thomas Bent, in }  
 the presence of,— } THOS. BENT.

CHARLES A. LEE.

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SCHEDULE TWO.

THIS line commences at the terminus of the Victorian railway at Yarroweyah, and proceeds in a northerly direction to the river Murray, which it crosses by the existing road bridge; thence it continues northerly for a short distance along Bridge-street, and across Chanter, Browne, and Hillson streets, and after again entering Bridge-street it crosses Foxley-street and reaches the Temporary Common at Tocumwal, where the line ends about twenty-seven chains north of the last-mentioned street, being a distance of about two miles, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.

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