

No. , 1910.

A BILL

To sanction the construction of a line of Railway from Hermidale to Nymagee; to authorise the construction of the said line on public roads; to amend the Public Works Act, 1900, so far as it relates to the making and maintaining of fences along the said line; to provide for the use of the said line by the Constructing Authority, or by persons authorised by him; and for other purposes consequent thereon or incidental thereto.

[MR. LEE;— *August, 1910.*]

WHEREAS, in accordance with the provisions of the Public Preamble.
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 Hermidale to Nymagee:
5 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
110—(4) introduce

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 :—

Short title.

1. This Act may be cited as the "Hermidale to Nymagee Railway Act, 1910."

Work sanctioned.

2. The carrying out the said work (more particularly described in the Schedule to this Act) is hereby sanctioned, subject to the following conditions :—

(1) That a guarantee against loss on the working of the line for ten years, to be approved of by the Chief Commissioner for Railways and Tramways, be given by the Mouramba Copper Mines, Limited.

(2) That the Mouramba Copper Mines, Limited, deposit the sum of eight thousand pounds with the Secretary for Public Works, to cover two years of the guarantee referred to, before the construction of the said work is commenced.

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 said conditions and 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.

Plan of work.

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

Cost, how to be defrayed.

4. The cost of carrying out the said work, estimated at one hundred and twenty-three thousand six hundred and thirty-seven pounds, shall 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.

Line may be constructed on road.

5. The said line of railway may be constructed on or along or by the side of any public road or highway.

Fencing not required along the line.

6. Notwithstanding the provisions of section eighty-four of the Public-Works Act, 1900, the Constructing Authority shall not be required or 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 his discretion, make and maintain such fence in connection with the said line of railway as he may think fit.

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Hermidale to Nymagee Railway.

7. The Constructing Authority and any persons authorised by him may use the said line, or any part thereof, before it is transferred to the Chief Commissioner for Railways and Tramways, and for that purpose may run thereon any carriages or wagons propelled or drawn **5.** by any motive power. Constructing Authority may use line.

SCHEDULE.

THIS railway commences by a junction with the existing railway from Nyngan to Cobar, a short distance west of Hermidale Railway Station, it proceeds south-westerly through the village of the same name, and, continuing in a south-westerly direction, closely **10** adjoins the western side of the main road to Nymagee for about 13 miles, or to a point 2 miles beyond where it crosses Cowal Creek ; thence the line traverses south-westerly the right bank of that creek for about 21 miles, and onwards between it and the main road the line bears more to the south for about 7 miles ; thence it turns almost due west, and enters the town of Nymagee, where it terminates at the eastern boundary of the **15** property of the Nymagee Copper Company, Limited, near the Police Station ;—being a total length of about 45 miles from Hermidale, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.
