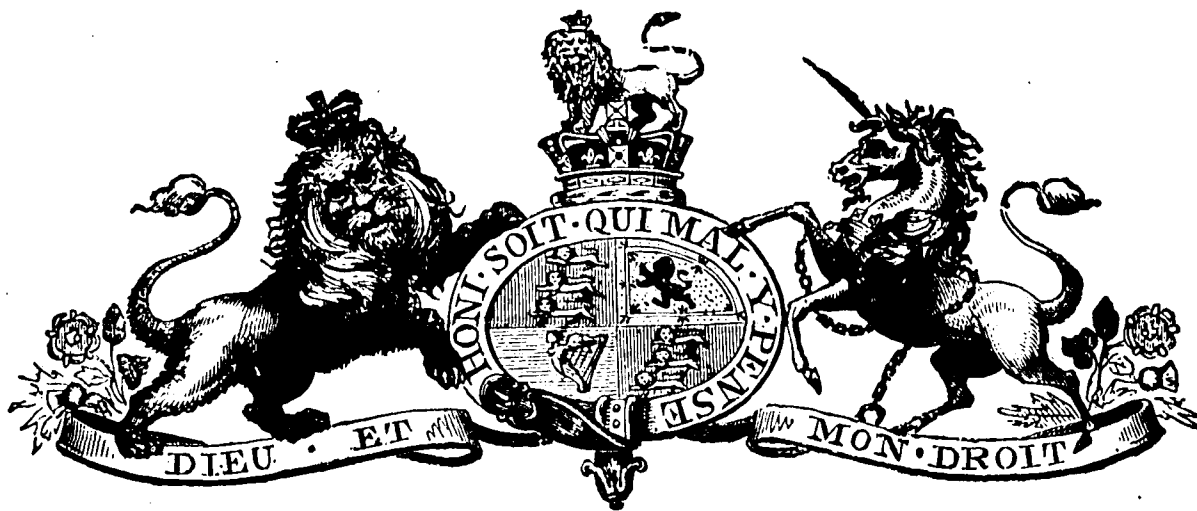


VICTORIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS.

No. 2078.

An Act to authorize the Construction of an Extension of the Strathmerton towards Tocumwal Railway to Tocumwal in the State of New South Wales and to ratify an Agreement in reference thereto between the Governments of Victoria and New South Wales.

[13th August, 1907.]

WHEREAS it is desirable that the Strathmerton towards
Tocumwal Railway terminating at or near the Victorian bank
of the River Murray be extended to Tocumwal in the State of New
South Wales ; and whereas an agreement (a copy of which is set out
in the Schedule to this Act) providing for such an extension was on
the Nineteenth day of April One thousand nine hundred and six made
and entered into between the Honorable Joseph Hector Carruthers
Premier and Colonial Treasurer of New South Wales of the one part
and the Honorable Thomas Bent Premier of Victoria of the other
part ; and whereas the Parliament of the State of New South Wales
has passed an Act ratifying the said agreement ; and whereas it is
expedient that the said agreement be also ratified by the Parliament or
Victoria

Preamble.

No. 1958.

Schedule.

N.S.W.

No. 57 of 1906.

Victoria, and that authority be given for the construction by the Government of Victoria of an extension to Tocumwal of the Strathmerton towards Tocumwal Railway, and for the supervision and maintenance of the said extended line : Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the *Tocumwal Railway Extension Act 1907*.

Interpretation

2. In this Act unless the context otherwise requires—

“Board” means the Board of Land and Works.

“Commissioners” means the Victorian Railways Commissioners.

“Land” includes all real estate messuages lands tenements hereditaments and easements of any tenure.

Ratification of agreement between States.

First Schedule.

3. The agreement a copy of which is set out in the First Schedule to this Act is hereby ratified and confirmed, and shall be deemed and taken to be part of this Act.

Power to construct railway to Tocumwal.

Comp. No. 57 of N.S.W. s. 3.
Second Schedule.

4. It shall be lawful for the Board to make and construct a railway and all proper works and conveniences in connexion therewith from a point on the flood channel or flats of the River Murray to Tocumwal in the State of New South Wales in the line and upon the land described in the Second Schedule to this Act ; and for the purposes of this Act the Board shall be taken to be the constructing authority of the said line.

When construction to commence.

5. The construction of any part of the said line in the State of New South Wales may be commenced by the Board at any time after the day when the *Tocumwal Railway Extension Act 1906* of New South Wales comes into force in that State by virtue of a proclamation under and pursuant to the said Act.

Application of Railways Acts No. 1958.

6. So much of the said line as is authorized to be constructed in Victoria shall be subject to the provisions of the *Strathmerton towards Tocumwal Railway Construction Act 1904*, and so much of the said line as is authorized to be constructed in the State of New South Wales shall not be subject to the provisions of the Railway Lands Acquisition Acts.

How Victorian moiety of cost of construction to be paid.

7. One-half the expenditure necessary for the resumption or acquirement of the necessary land in New South Wales and the construction of the said line including the cost of strengthening the Tocumwal Bridge shall be paid out of any funds provided by Parliament for the construction of railways.

8. The

8. The unexpended balance of the money provided by the *Railways Special Funds Application Act* 1904 for the construction of a line of railway from Strathmerton towards Tocumwal may be applied towards the expenditure authorized by this Act. Application of certain balance under No. 1948.
9. No contract shall be entered into or expenditure made under this Act until such contract or expenditure has been previously approved in writing by the Treasurer of Victoria. Treasurer's approval of contract or expenditure required.
10. On the publication in the *Government Gazette* of a certificate signed by the said Board and the Acting Engineer-in-Chief of the Victorian Railways certifying that the said line as constructed by the said Board is completed, the said line shall thereafter be supervised and maintained by and at the expense of the Victorian Railways Commissioners pursuant to the Railways Acts. Supervision and maintenance of line by Victorian Railways Commissioners. Comp. No. 1250 s. 5 (2).
11. All laws by-laws regulations and conditions for the time being in force on the railways vested in the Board or in the Commissioners shall so far as the same are capable of being applied be in force on the railway authorized by this Act to be constructed. Laws by-laws &c. to be in force. (And see N.S.W. No. 2 of 1906.)
12. Notwithstanding the rate of the amount of fares for passengers and charges for the carriage of animals goods and parcels carried thereon it shall be lawful for the Commissioners to make by-laws fixing special rates of fares and charges in order to prevent a loss accruing to the Commissioners from the working of the said line. Special rates.
13. Nothing in this Act shall affect or in any manner alter or vary any of the provisions contained in the Audit Acts or any Acts relating to Crown lands. Audit and Land Acts not affected. (Nos. 1066, 1106.)
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SCHEDULES.

FIRST SCHEDULE.

Section 3.

New South Wales
Act No. 57
Schedule 1.

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 received 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.

10. Any

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, in the presence of—

J. H. CARRUTHERS. (L.S.)

CHARLES A. LEE.

And the Honorable Thomas Bent, in the presence of—

THOMAS BENT. (L.S.)

CHARLES A. LEE.

SECOND SCHEDULE.

Section 4.

This line commences at the terminus of the Victorian railway at Yarraweyah, 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.

New South Wales
Act No. 57
Schedule 3.

MELBOURNE:

By Authority: J. KEMP, Acting Government Printer.