

MEEKATHARRA-HORSESHOE RAILWAY.

11° GEO. V., No. XLVI.

No. 46 of 1920.

**AN ACT to authorise the Construction and Working of
a Railway from Meekatharra to Horseshoe, near
Peak Hill.**

[Assented to 31st December, 1920.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Meekatharra-Horseshoe Railway Act, 1920.* Short title.

Definition of owners.

2. In this Act the word "owner" means the General Chemical Supply Company, Limited, and its assigns.

Authority to construct, maintain, and work railway.

3. It shall be lawful for the owner to construct, maintain, and work, as hereinafter provided, a railway from Meekatharra to Horseshoe, near Peak Hill, along the line described approximately in the schedule to this Act.

Land may be reserved and acquired.

4. The Minister for Lands may set apart and reserve such portions of unalienated Crown land as may be required for the construction of the said railway, and may, under and subject to the provisions of the Public Works Act, 1902, compulsorily acquire any alienated land necessary for the purpose.

Costs of acquiring land.

5. The owner shall pay the cost of the acquisition of any alienated land acquired as hereinbefore provided, and shall pay the compensation, if any, payable to the owners or occupiers of such land.

Survey and construction.

6. So soon as the necessary land has been set apart, reserved, and acquired, the Department of Public Works shall survey and lay out the line of railway at the cost of the owner, and the owner may thereafter, at its own expense, construct the railway, but under the supervision and to the satisfaction of the Engineer-in-Chief, or an officer nominated by him for the purpose.

Deposit of sum to meet cost.

7. Notwithstanding anything contained in sections four and six of this Act the Minister shall, before issuing any notice to acquire lands under the Public Works Act, 1902, or before undertaking any survey, obtain from the owner a sum sufficient to meet the award in respect to any such resumption, and to defray the cost of any such survey.

Connection with Government Railways to be subject to railway by-laws.

8. The connection of the railway with the Government Railway at Meekatharra shall be subject to the conditions of the usual siding agreement, as required by the by-laws of the Commissioner of Railways.

On completion Minister to lease railway on terms.

9. So soon as the railway is completed, the Minister for Lands may lease the railway to the owner for a term of

ninety-nine years, and such lease shall, *inter alia*, contain the following provisions, viz.:—

- (a) That the lease is granted subject to the condition that it shall be lawful for the Governor, at any time during the term thereof, to purchase the railway at a sum to be determined by the Engineer-in-Chief, or such other officer as, for the time being, shall be in charge of the construction of Government railways, such sum not to exceed the cost of construction less depreciation.
- (b) That such lease may at any time during the term thereof be surrendered, and thereupon the rails and material may be removed by the lessee, if the railway is not purchased under the last preceding paragraph.
- (c) That the lessee and its assigns shall, during the continuance of the lease, carry goods and passengers over the railway at such charges and subject to such conditions as are approved by the Governor and prescribed by by-law under this Act.
- (d) That the lessee and its assigns shall, at all times during the term of the lease thereof, keep the railway and rolling stock in good order and substantial repair to the satisfaction of the Commissioner of Railways.

10. It shall be lawful for the owner and its assigns, under and subject to the provisions of the said lease, to use locomotive engines on the said railway, and to draw and propel thereby wagons, carriages, and other vehicles.

Power to run traffic on railway.

11. The owner shall make by-laws for the regulation of traffic on the said railway, and prescribing the charges to be made for the carriage of passengers and goods, and imposing penalties not exceeding twenty pounds for the breach of any such by-laws.

By-laws.

But no by-law shall have effect unless or until the same shall have been approved and confirmed by the Governor and published in the *Gazette*.

12. (1.) The owner shall—

- (a) begin the construction of the railway within two years after the passing of this Act, and continue the work to the satisfaction of the Engineer-in-Chief; and complete the railway within three years after the work is commenced;

Time limit for construction of railway.

- (b) duly pay the charges of the Department of Public Works relating to the survey and laying out of the line of railway and the supervision of its construction;
- (c) on the completion of the railway, accept and execute a counterpart of the lease to be granted under section eight.

(2.) If the owner shall make default in the performance and observance of the provisions of this section, or any of them, the Governor may, by Order in Council, declare the rights of the owner under this Act are forfeited, and thereupon the authority conferred by this Act to construct, maintain, and work the railway shall be annulled:

Provided that, if the owner is not indebted to the Government in any moneys, any rails and material belonging to the owner may be removed by the owner from the site of the railway within six months after the publication of such Order in Council, but if not so removed such rails and material may be acquired by the Crown, subject to the payment to the owner of the value thereof to be fixed by the Engineer-in-Chief.

THE SCHEDULE.

MEEKATHARRA-HORSESHOE RAILWAY.

DESCRIPTION OF LINE OF RAILWAY.

Commencing at a point approximately 601 miles from Perth, at the terminus of the Geraldton-Meekatharra Railway; thence Northerly to Peak Hill; thence North-Westerly to Mineral Leases known as "Manganese Nos. 1, 2, 3 and 4," situated near Horseshoe. Total length, about 85 miles.

As described on the map or plan marked "Meekatharra-Horseshoe Railway—H. S. King, Surveyor General, 16/11/20."