

WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

LVIII.

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No. 77 of 1912.

AN ACT to authorise the Construction of a  
Railway from Wyalcatchem to Mount Mar-  
shall.

[Assented to 24th December, 1912.]

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 Parlia-  
ment assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Wyalcatchem-Mount Marshall* Short title.  
*Railway Act, 1912.*

2. It shall be lawful to construct and maintain a railway from Wyalcatchem to Mount Marshall, with all necessary, proper, and usual works and conveniences in connection therewith, along the line described in the Schedule to this Act. Authority to construct.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of one mile on either side thereof for the first twenty miles of the line, and to the extent of five miles on either side thereof after the first twenty miles of the line to the terminus of the line. Deviation.

Power to Governor to compulsorily purchase land within 15 miles of railway.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may—

(a.) With the object of encouraging the cultivation of settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons, jointly or in common, and situated within fifteen miles of any part of the line of the railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement;

(b.) Compulsorily purchase any land situated as aforesaid for townsites:

Provided that no land shall be compulsorily purchased under paragraph (a) of this section until the Land Purchase Board has favourably reported thereon.

Purchase money to be determined under Public Works Act, 1902.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act:

Provided that, on the exercise of any such power, or on the acquisition by the Governor within the said period of land situated as aforesaid for any work within the meaning of the Public Works Act, 1902, no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of 60 Vict., No. 26.

7. All such land acquired under paragraph (a) of section four shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1896, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

## SCHEDULE.

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### WYALCATCHEM-MOUNT MARSHALL RAILWAY.

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*Description of Line of Railway.*

Commencing at a point in or near Wyalcatchem Station, on the Dowerin-Merredin Railway, and proceeding thence in a generally North-Easterly direction for about three miles; thence in a generally Northerly direction for about seven miles; thence in a generally North-Easterly direction for about five miles; thence in a generally Northerly direction for about five miles; thence in a generally North-Easterly direction for about 15 miles; thence in a generally Easterly direction for about 15 miles, and terminating at a point in or within five miles South of Government Reserve, No. 14503, Avon District, as more particularly delineated and coloured red on map marked P.W.D., W.A., 16778, deposited pursuant to 2 Edw. VII., No. 47, Sec. 96. Total length, about 50 miles.