

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XXXII.

No. 17 of 1904.

AN ACT to authorise the Construction of
a Railway from Woodman's Point to
Jandakot.

[Assented to 16th January, 1904.]

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 *Jandakot Railway Act, 1904.* Short title.
2. IT shall be lawful to construct and maintain a railway, 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 Railways Act, 1878, it shall be lawful for the Commissioner of Railways to deviate from the line as described in such Schedule to the extent of four miles on either side thereof. Deviation.

Power to Governor to compulsorily purchase land within eight 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, with the object of encouraging the cultivation and 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 eight miles on either side of the actual line of railway, or within a radius of eight miles of the terminal point thereof, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement: Provided that no land shall be compulsorily purchased 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 as if the land had been taken thereunder, and the amount of the purchase money shall be determined as compensation is determined under that Act:

But 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 taken under 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 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.

— — — — —JANDAKOT RAILWAY.

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DESCRIPTION OF LINE OF RAILWAY.

Commencing by a junction with the Fremantle-Woodman's Point Railway, and proceeding thence in a generally East-South-Easterly direction for about 6 miles 40 chains, and terminating near the intersection of the Forrest and Beenyup Roads; as more particularly delineated and coloured red on Map marked P.W.D., W.A., 10364, deposited as provided for by 55th Victoriae, No. 34, Section 10. Total length, about 6 miles 40 chains.