

An Act to authorize the Waratah Coal Company to extend their Line of Railway by the construction of branches. [18th May, 1875.]

WARATAH COAL COMPANY.

WHEREAS by an Act passed on the eighth day of October one thousand eight hundred and sixty-three in the twenty-seventh year of the reign of Her Majesty Queen Victoria intituled “*An Act to establish and incorporate a Company to be called the Waratah Coal Company and to authorize the making of a Railway for the purposes of the said Company*” a Company was established and incorporated for the purpose of working certain coal mines situated at or near Waratah in the parish of Newcastle in the county of Northumberland in the Colony of New South Wales and any other mines of which the said Company might thereafter become possessed and for the disposal of the coal and any other minerals to be obtained therefrom and for the carrying on of such other business and doing such other matters and things in connection therewith as the said Company might deem expedient and the said Company was thereby authorized to make construct and maintain a railway with all proper works and conveniences connected therewith upon across and over the lands and in the direction delineated and described in Schedule E to the said Act. And whereas in pursuance of the powers for that purpose contained in the said Act the said Company did within the term of five years from the passing of the said Act make and construct the railway with all proper works and conveniences thereby authorized to be made. And whereas the said Company has since the passing of the said Act been continuously and is still extensively engaged in working the coal mines of the said Company and in the disposal of the coal obtained therefrom and it has been found necessary for the more efficiently carrying out the works of the Company and for the carriage and shipping of the coal obtained from the said mines that two branch railways being extensions of the said line of railway already constructed under the authority of the said Act should be made commencing respectively and determining at the points hereinafter more fully described and it is expedient that power should be given to the said Company for the making and constructing of such branch railways with all proper works and conveniences connected therewith subject to the provisions hereinafter contained. Be it therefore enacted by the Queen’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:—

1. It shall be lawful for the Waratah Coal Company to make construct and maintain a branch or extension of their present line of railway commencing at a point about fifty chains south-westerly from the Great Northern Railway and passing across Morehead and Young’s railway constructed under the authority of “Morehead and Young’s Railway Act of 1862” at a point eight chains from the point of divergence thence south-westerly through land supposed to belong to the English and Australian Copper Company thence continuing south-westerly through three hundred and ten acres and two hundred and eighty acres respectively of land held under lease from the Crown for coal mining purposes by Messieurs James Brown and Alexander Brown and crossing their railway constructed under the authority of “The

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“The Hartley Vale Colliery Railway Act 1867” at a point about thirty-five chains from where the branch or extension hereby authorized is intended to commence thence south-westerly through the land of the Waratah Coal Company thence through six hundred and forty acres of land supposed to be the property of the said James Brown and Alexander Brown and thence through three hundred and twenty acres the property of the Scottish Australian Mining Company (Limited) entering the lands of the said Waratah Coal Company at the northern boundary thereof the length of such extension of line of railway being about three and a quarter miles. And also to make construct and maintain another branch of such railway commencing from the Waratah Coal Company’s present line of railway at a point situated about ninety chains north-westerly from the junction of the Great Northern Railway and the Waratah Coal Company’s Railway thence north-westerly through two hundred and eighty acres of Crown Lands leased for coal mining purposes by Messieurs James Brown and Alexander Brown thence north-westerly through one hundred acres and three hundred and twenty acres respectively leased by the Waratah Coal Company and thence through the freehold lands of the Waratah Coal Company to the quarry leased by the Government from the said Waratah Coal Company the length of such last-mentioned branch being seventy-three chains and thirty-three links or thereabouts and it shall be lawful for the said Waratah Coal Company to take and appropriate such and so much land as shall be required for the purposes of making and completing such branch railways. Provided that such railways shall not occupy in any part thereof a greater space in breadth than ninety-nine feet including the supports abutments and foundations thereof.

Vesting land taken under Act.

2. Such land as shall be taken under the provisions of this Act for the said branch railways together with such right of ingress egress and regress upon the adjacent land as may be necessary for the making and repair thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the Waratah Coal Company. Provided that nothing herein contained shall prevent the owners of the lands to be appropriated for the purposes of such railways from carrying on any mining operations beneath the said railways which shall not interfere with the safety of the said railway and the traffic thereon and that the said Waratah Coal Company shall have no further right to the soil of the lands beneath the surface than shall be requisite for the formation and repair of the said road and for cutting embanking or otherwise.

All powers granted by the Waratah Coal Company’s Act to apply to branches authorized by this Act.

3. The Waratah Coal Company shall for the purpose of making constructing and maintaining such branch railways hereby authorized have all the powers rights and privileges and be subject to all the clauses stipulations conditions and provisions contained in the said recited Act passed on the eighth day of October one thousand eight hundred and sixty-three in reference to the line of railway thereby authorized to be made constructed and maintained as if the same had been repeated in this Act or the branches or extensions hereby authorized to be made had been included in the said recited Act.

Power to cross railway and provisions for protection of the railways crossed.

4. The Waratah Coal Company shall subject to the provisions hereinafter contained have power to cross the said railways of Morehead and Young and of Messieurs James Brown and Alexander Brown respectively on the level in such manner as shall be approved by the Superintendent of Permanent Way and Works on the Great Northern Railway and the rails for such crossing shall be laid down at the expense of the said Waratah Coal Company under and subject to the direction and approval of such Superintendent and for that purpose to lay down such rails and execute such other works as shall be necessary

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necessary for the purpose of such crossings. Provided that the said Company shall before they shall be at liberty to cross the said Railways respectively erect upon their own land and at all times thereafter maintain a suitable station or lodge at the place where the said branch railway shall cross the railways of Morehead and Young and of Messieurs James Brown and Alexander Brown on the level and shall also erect and maintain all necessary signals that is to say two junction or crossing signals and four distance signals at each of the crossings referred to and the said Waratah Coal Company shall employ and constantly keep employed at their own expense at the said crossings fit and proper persons to attend to such signals and the person so employed shall act under and in accordance with the regulations hereinafter set forth. No preference shall be given to the trains of any Company but the train first approaching a crossing shall have the signals lowered to enable it to pass but should two trains approach the crossing at the same time the train of the Scottish Australian Mining Company or that of Messieurs James Brown and Alexander Brown shall have precedence.

5. The following regulations shall be observed by the engine-^{Regulations.} drivers and the men in charge of the signals at the crossings of the said railways that is to say:—

The crossings of the railway of Morehead and Young and of Messieurs James Brown and Alexander Brown respectively by the Waratah Coal Company's Railway shall be protected by six signals two of which shall be placed at each of the crossings respectively and shall be called "crossing signals" the other four shall be called "distance signals". Each of the distance signals shall be fixed at about four hundred yards from the intersection of the lines of railway respectively.

Signals for each crossing viz. two crossing signals and four distance signals. Twelve signals for the two crossings.

The crossing signals shall be thirty feet in height and have each two semaphore arms with lamps complete.

One of these signals shall be placed on the "down" side of the lines to be crossed respectively and on the eastern side of the Waratah Coal Company's line. The other shall be placed on the "up" side of the said lines to be crossed and on the western side of the Waratah Coal Company's line.

The signals on the "down" side of the lines to be crossed shall be for the trains of the Scottish Australian Mining Company (Limited) and of the said James Brown and Alexander Brown respectively and the signal on the "up" side shall be for the Waratah Coal Company's trains.

The arms of the crossing signals shall never be lowered to "all right" but shall stand at "danger" except when lowered to "caution" to allow a train to pass through.

The engine-driver requiring to pass along Morehead and Young's line or the line of Messieurs James Brown and Alexander Brown shall give one long whistle and the engine-driver requiring to proceed along the Waratah Coal Company's line shall give two short whistles.

The distance signals shall always stand at "danger" except when the arm is lowered to "caution" to admit a train.

On the approach of a train from Newcastle on either Morehead and Young's line or the said James Brown and Alexander Brown's line one long whistle shall be given and the signal-man if the line be clear shall lower the arm of the distance signal to "caution" and at the same time lower the arm of the crossing signal on the left side of the post also to "caution."

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If a train approach the crossing from the pits of either of the said two lines to be crossed on one long whistle being given if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time also lower to "caution" the arm of the crossing signal on the left side of the post.

On the approach of a train from the direction of Port Waratah on the Waratah Coal Company's line on two short whistles being given the signal-man if the line be clear shall lower the distance signal arm to "caution" and at the same time lower the crossing signal arm on the left side of the post also to "caution."

If a train approach on the Waratah Coal Company's line from the pits (or in the "up" direction) *two short* whistles shall be given and if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time lower to "caution" the arm on the left side of the post of the crossing signal.

If the crossing be approached by night in any direction the "caution" signal shall be a *green light* and the train may proceed.

All trains approaching the crossing in any direction must be driven at such speed as will enable the driver to bring his train to a stand before passing the distance signal should the "danger" signal be exhibited. After coming to a stand the train must be immediately drawn inside the distance signal so as to protect it from any train that may be following on the same line of rails.

The whole of the signals belonging to these crossings shall stand only at "danger" or "caution". The danger signal shall be the semaphore arm raised on the left side of the post at right angles thereto and at night a red light.

The caution signal by day shall be the semaphore arm lowered on the left side of the post to an angle of forty-five degrees and at night by a green light.

The red light signal or the semaphore arm raised at right angles to the post shall denote that the line is not clear and that the train must be brought to a stand as rapidly as possible.

The green light signal or the semaphore arm lowered to an angle of forty-five degrees with the post shall denote that the train may proceed.

No train shall pass over the crossing at a greater speed than ten miles an hour.

The signal-men in charge of these crossings respectively will be held responsible for the proper working of all the signals in accordance with these regulations and any infringement of which by the engine-driver or others shall be immediately reported by them to the Managers of the respective Companies.

The four distance signals shall have one arm each and be worked by levers one to each signal fixed on the platform to the signal box and the crossing signals shall have two arms each worked by stirrups one for each arm and lamp fixed alongside the levers for the distance signals so that the whole signal arrangements for each of these crossings will be entirely under the easy control of one man.

When night trains are running the lamps shall be lighted at sun-down and the signal-men will be held responsible for the proper burning of the lights of all the signals.

After

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After the passing of the last train the lights of the signals shall be immediately put out.

All the distance signals at each crossing shall have back lights white and green which can be seen from the signal-man's box and by these it can be known if the signal lights are burning properly the white back light shall denote that a green light is shown on the face of the lamp and the green back light that a red light is being exhibited on the face of the signal.

By the "Up" trains shall be understood those running from the coal-pits to Newcastle or Port Waratah and by "Down" trains shall be understood those running from Newcastle or Port Waratah to coal-pits.

6. If any engine-driver or man in charge of the signals at the Penal clause. crossings of the said railway shall neglect or refuse to do anything which by the regulations contained in the next preceding section of this Act he is directed to perform he shall for every such offence be liable to a penalty not exceeding ten pounds and every such penalty may be recovered in a summary manner before any two Justices in Petty Sessions according to the provisions of the Act fourteen Victoria number forty-three and the Acts therein adopted.

7. In case it shall be found necessary by the proprietors of Company to make compensation. either of the said railways over which such crossings are made to lay down a second line of rails the rails for the crossing over such second line shall be laid by the proprietors of such line at the expense of the Waratah Coal Company. And the said Company shall make compensation and satisfaction to the persons through whose land the said branch railways shall pass and to the proprietors of the railways to be crossed for temporary permanent or recurring injury and for the works made necessary by such crossing for carrying off and preventing an accumulation of water and all other damages loss costs charges and inconvenience which may be in anywise occasioned to the said persons by such crossing or by the laying or repair of the said rails or the non-performance by the said Company of any of the matters and things hereby required to be performed by them or otherwise and if the Company and the persons claiming compensation shall not agree as to the amount of compensation to be paid by the Company for laying down such rails or for or in respect of or in relation to any of the matters and things aforesaid then such amount shall be ascertained by arbitrators as provided by the Waratah Coal Company's said Act of incorporation.

8. If the Waratah Coal Company shall abandon or for a period of three years shall cease to use the branch railways which shall be made across the railways of Messieurs James Brown and Alexander Brown and of Messieurs Morhead and Young then and in such case the rails for the crossings over the said lines shall be taken up and the said railways shall be restored to their former condition and the Waratah Coal Company shall pay to the proprietors of such railways respectively all costs and expenses that may be incurred in the taking up of such crossings and the restoration of such railways to their former condition.