

BOWENFELS COAL-
MINING AND
COPPER-SMELTING
COMPANY'S RAILWAY
(SALE AND VESTING).

An Act to authorize and empower the Directors for the time being of the "Bowenfels Coal-mining and Copper-smelting Company (Limited)" to carry out an Agreement for the sale of land on part of which the Railway of the Company is constructed and other property and to vest such land and other property in the purchaser. [10th September, 1886.]

Preamble.

WHEREAS by the "Bowenfels Coal-mining and Copper-smelting Company's Railway Act" after reciting that certain persons trading in Sydney and Bowenfels under the name and style of the "Bowenfels Coal-mining and Copper-smelting Company" had opened coal-mines on a parcel of land situated at Lithgow Valley in the county of Cook in the Colony of New South Wales and that the said Company were desirous of constructing a railway from their said coal-mines to the Great Western Railway but as part of such proposed railway was intended to be made upon and pass through lands in the said county the property of Andrew Brown of Cooerwull Esquire across Farmer's Creek and over and along reserved roads over which said lands and roads the said railway could not be made and continued without Legislative authority. It was enacted that it should be lawful for the said Company to make and construct a railway or tramway or part tramway or part railway from the Great Western Railway to a point about one chain north of the south-east corner of the one hundred acres mineral conditional purchase selected by Poole Woolley and Anderson such railway to be in the line described in the Schedule annexed to the said Act (being the site described in the First Schedule hereto) but so that the same should not occupy in any part thereof a greater breadth than sixty-six feet including foundations abutments and supports. And it was by the said Act further enacted that the ground and soil of so much of the site of the railway as passed over the lands of the said Andrew Brown and over Crown land together with such right of ingress egress and regress as might be necessary for the making repair and working thereof should be vested by virtue of the said Act and without the necessity of any conveyance in the said Company for the purpose of the said railway or tramway. And in the said Act was contained a proviso for the reverter in certain contingencies of the said lands to the said Andrew Brown his heirs and assigns and the cesser of the rights and powers by the said Act conferred on the said promoters a reservation of the minerals under any

any land whereof the surface was vested in the said Company by the said Act and a right to the said Andrew Brown his heirs and assigns for certain limited purposes to enter upon the land so vested in the Company. And whereas by an indenture made the first day of November one thousand eight hundred and seventy-three between the several persons whose names and seals were or should be from time to time thereunto subscribed and affixed by themselves their agents or attorneys duly authorized in that behalf After reciting that the several persons parties thereto had agreed to establish a Joint Stock Company to be called the "Bowenfels Coal-mining and Copper-smelting Company (Limited)" for the purposes therein mentioned it was by the said indenture witnessed that in pursuance of the said agreement each of them the several persons parties thereto for himself and herself and for his and her heirs executors and administrators did and each of them did covenant agree and declare with and to the others and each and every of the others of them their and each and every of their heirs executors administrators and assigns that the several parties to those presents should and would whilst holding shares in the capital of the said Company become and continue a Joint Stock Company under the name and title of the "Bowenfels Coal-mining and Copper-smelting Company (Limited)" under and subject to the provisoies and agreements therein contained And in the said indenture were contained (*inter alia*) provisions for the appointment and retirement of directors for the calling and holding of general and special general meetings of the shareholders and for making additional rules and regulations and for altering or repealing all or any of the provisions in the said indenture contained And whereas the said Company was and is duly registered under the provisions of an Act passed in the twenty-fourth year of the reign of her present Majesty intituled "*An Act to limit the liability of Mining Partnerships*" And whereas the Company duly constructed the said railway in accordance with the provisions of the Bowenfels Coal-mining and Copper-smelting Company's Railway Act And whereas Sir James Martin and the Honorable John Lucas are registered proprietors under the provisions of the Real Property Act of the lands described in the Second Schedule hereto which form portion of the lands described in the First Schedule hereto and they hold such land in trust for the said Company And whereas the lands conditionally purchased from the Crown described in the Third Schedule are now vested in the said Sir James Martin and John Lucas upon similar trusts And whereas by an agreement dated the thirty-first day of January one thousand eight hundred and eighty-four the Company (being thereunto authorized by resolution of the shareholders in general meeting) contracted with Edward Combes on behalf of the Lithgow Valley Colliery Company (Limited) for the sale to him of the lands described in the said First and Third Schedules together with the material of the said railway line and certain other rails and sleepers and waggons and other plant for the sum of six thousand pounds (of which the said Edward Combes has already paid to the Company the sum of three thousand five hundred pounds) And whereas in execution of the said agreement the Company has some time since let the Lithgow Valley Colliery Company (Limited) into possession of the lands described in the said Schedules and delivered to that Company the said railway rails sleepers waggons and plant and whereas it is expedient in the interests of the Company that the said agreement should be carried into effect and that the proceeds of such sale should be applied in and for the purposes and objects of the Company but it has been found that by reason of the constitution of the Company it is impracticable without Legislative authority to make a legal title to such

Bowenfels Coal-mining and Copper-smelting Company's Railway (Sale and Vesting).

such portion of the land described in the First Schedule hereto as was by the hereinbefore recited Act expressed to be vested in the said Company or to carry out the said agreement. And it is also desirable that Legislative authority should be obtained for the transfer of the lands described in the Second and Third Schedules hereto with the railway and plant so contracted to be sold in pursuance of the said recited contract. And whereas the present directors of the Company are Thomas Frederick Thompson Robert Burdett Smith the Honorable John Brown Watt and Lewis Potter Bain. 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:—

Meaning of "the Company."

Short title.

Scheduled lands to vest in purchaser on payment of purchase money.

Application of purchase money.

Acknowledgment under hands of directors of the Company to be conclusive evidence of payment of purchase money and complete discharge to purchasers.

1. In this Act "the Company" shall mean the "Bowenfels Coal-mining and Copper-smelting Company (Limited)."

2. This Act shall be styled and may be cited as the "Bowenfels Coal-mining and Copper-smelting Company (Limited) Railway (Sale and Vesting) Act."

3. On payment by the said Lithgow Valley Colliery Company (Limited) as in the next section mentioned of the unpaid residue of the said sum of six thousand pounds the lands described in the First Schedule to this Act together with the said recited rights of ingress egress and regress and all other rights powers privileges and authorities which by the said recited Act are conferred upon or vested in the said Company in respect of the said railway shall vest for an estate of inheritance in fee-simple in the said Lithgow Valley Colliery Company (Limited) their successors and assigns and the said railway line and materials waggons and other plant so contracted to be sold and which have been so delivered shall also become the absolute property of the said Lithgow Valley Colliery Company (Limited) without any conveyance assignment or other assurance but subject as to so much of the said lands as were at the date of the passing of the "Bowenfels Coal-mining and Copper-smelting Company's Railway Act" lands of the said Andrew Brown or of the Crown to the said proviso for reverter and cesser to the said reservation of minerals and as to the lands which were at the date aforesaid lands of the said Andrew Brown to the said right of entry in the last-mentioned Act respectively contained.

4. The said unpaid residue of the said sum of six thousand pounds shall be paid by the said Lithgow Valley Colliery Company (Limited) their successors or assigns to and received by the said Thomas Frederick Thompson Robert Burdett Smith John Brown Watt and Lewis Potter Bain or other the directors for the time being of the Company and shall together with the said sum of three thousand pounds be held or applied upon for or towards such one or more of the objects of the Company (as such objects are defined by the rules and regulations for the time being of the Company) in such manner as the shareholders of the Company shall in general meeting by resolution determine such meeting and resolution to be held and passed in accordance with the said rules and regulations for the time being.

5. An acknowledgment under the hands of the directors for the time being of the Company of the payment to them of the said sum of six thousand pounds shall be deemed and taken to be conclusive evidence of the payment of the said purchase money and a complete discharge to the said Lithgow Valley Colliery Company (Limited) their successors and assigns for such sum and shall exonerate the said Lithgow Valley Colliery Company (Limited) from all liability to see to the application of the moneys therein mentioned and a statutory declaration by the secretary of the Company shall be conclusive evidence of the fact that the persons therein declared to be directors of the Company are the only directors thereof.

6. Notwithstanding anything in this Act contained it shall be lawful for the said Sir James Martin and John Lucas to make do and execute all such transfers and other instruments as shall be usual or proper for transferring to and vesting in the said Lithgow Valley Colliery Company (Limited) the lands described in the Second and Third Schedules hereto in accordance with the provisions of any laws or regulations in force in the Colony relating to such transfers.

Reservation of
power for Trustees
to execute transfers.

SCHEDULES.

FIRST SCHEDULE.

All that piece or parcel of land situate at Lithgow in the Colony of New South Wales one chain wide Commencing at a point on the Great Western Railway about eighty-three miles eleven chains from the Parramatta Junction curving from the main line in a north-westerly direction with a curve of eight chains radius to the railway fence and hence through the land of Andrew Brown Esquire with same curve to a distance of eight chains forty-three links and thence by a straight line bearing north twenty-nine degrees forty minutes west to Farmer's Creek being a further distance of five chains one link and thence across Farmer's Creek on to the land of the Company across a reserved road and again across the Company's land to a reserved road one chain wide and along the said road terminating at a point one chain north of the south-east corner of Poole Woolley and Anderson's mineral conditional purchase.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement 2 acres 18 $\frac{1}{2}$ perches or thereabouts situated in the parish of Marangaroo county of Cook and Colony of New South Wales being part of Reverend Colin Stewart's 130-acre grant and part of land comprised in certificate of title volume 170 folio 245 Commencing on the east boundary of grant 642 links northerly from the south-east corner and bounded on the south-east and east by a line forming the south-east and east boundary of the railway line south thirty-one degrees twenty-nine minutes west 105.1 links and along Government road 88.1 links and south twenty-five degrees forty-eight minutes west 585.9 links thence through part of Colin Stewart's grant bearing south twenty-five degrees forty-eight minutes west 905.6 links thence by a curved line 623.5 links to the Government road aforesaid thence across said road southerly 100 links thence southerly 141.8 links to Farmer's Creek thence on the south by that creek south-westerly 101 $\frac{1}{2}$ links thence on the south-west by a line north twenty-nine degrees twelve minutes west 155 links to aforesaid Government road thence across that road northerly 100 links thence by a curved line with a 850 radius 723 $\frac{1}{2}$ links thence by a line bearing north twenty-five degrees forty-eight minutes east 1,635 $\frac{3}{4}$ links to the Government road thence across that road north-easterly to the eastern boundary of the grant and thence on the east by that boundary bearing southerly 158 $\frac{1}{2}$ links to the point of commencement.

THIRD SCHEDULE.

All that parcel of conditionally purchased land containing one hundred acres or thereabouts situate in the county of Cook and parish of Marangaroo originally selected by Poole Woolley and Anderson under the nineteenth section of the "Crown Lands Alienation Act of 1861" on the second February one thousand eight hundred and seventy-one.