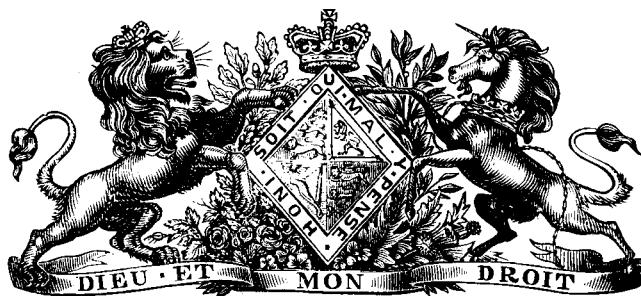


New South Wales.



ANNO QUADRAGESIMO TERTIO

VICTORIAE REGINÆ.

An Act to amend the "Redhead Coal-mine Railway Act of 1883." [21st December, 1889.]

REDHEAD COAL-MINE RAILWAY ACT AMENDING.

WHEREAS by an Act intituled the "Redhead Coal-mine Railway Preamble. Act of 1883" the "Redhead Coal-mining Company (Limited)" was empowered to construct and work a railway from the land of the said Company therein mentioned to the Great Northern Railway: And whereas by the "Redhead Coal-mine Railway Act Extension Act of 1888" the period of time limited by the first-mentioned Act for the construction of the said railway, and for bringing the same into use, was extended for a further period of five years: And whereas it would be advantageous to the said Company, and to the persons using the said railway, that certain deviations should be made in the route of the said railway, and that certain alterations should be made in the site for the same, and that such railway should be extended to the shores of Lake Macquarie, and that a branch of such railway should be constructed from the said railway to the pit of the South Burwood Coal Company. And for such reasons it is desirable that the said Company be empowered, subject to the provisions of the said Acts, to make and construct

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construct the said railway as aforesaid. And whereas it is expedient that power should be conferred on the said Company to carry passengers and live stock on the said railway, and to recover tolls and dues for the same: 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:—

Authority to construct railway from shore of Lake Macquarie to join railway previously authorized.

1. It shall be lawful for the said Company, subject to and in accordance with the provisions of the "Redhead Coal-mine Railway Act of 1883" and the "Redhead Coal-mine Railway Act Extension Act of 1888," to make and construct a railway from the northern shore of the entrance to Lake Macquarie to the southern boundary of its land situate in the parish of Kahibah, county of Northumberland, in the Colony of New South Wales; and thence from that boundary to join the line of railway authorised by the "Redhead Coal-mine Railway Act of 1883," but such last-mentioned line shall be in substitution and lieu of so much of the line of the railway authorized by the said Act as lies between the said boundary of the said Company's land and the said point of junction. The said railway shall commence at a point on the railway line to the breakwater on the northern shore of the entrance to Lake Macquarie; thence through reclaimed land; thence through allotments four and five of section three of the village of Kahibah; thence through allotments one, two, three, and four of section four, and across Victoria-street, and through allotment six of section seven of the said village; thence through allotments four, three, two, and ten of section six of the said village, and across a lane; thence across Albert-street, and through an unnumbered section, and across Newcastle-street; thence through another unnumbered section, and across Macquarie-street; thence through reserve number one hundred and seventy-three to the southern boundary at the Redhead Company's land; thence through that land to the northern boundary of the said land; thence through portion one hundred and thirteen of Crown Lands, held under mineral lease by the Scottish Australian Mining Company; thence through water reserve number four, held under mineral lease by the said last-mentioned company; thence through portion one hundred and fifteen, held under mineral lease by that company; thence through water reserve number four aforesaid; thence through portion 90A, the property of the said last-mentioned company; thence through portion number one hundred and fifteen aforesaid; thence through portion number one hundred and fourteen, held under mineral lease by the said last-mentioned company; thence to the southern boundary of portion one hundred and ten, the property of the "Waratah Coal Company (Limited)," to join the line authorized by section one of the "Redhead Coal-mine Railway Act of 1883," such railway to be in the direction described in Schedule A hereto: Provided that the line of railway shall be at a distance of not less than twelve chains from the Scottish Australian Mining Company's Durham Colliery screens, situated on portion number one hundred and thirteen, with at least three openings of twenty-six feet span each.

Authority to construct branch railway.

2. It shall be lawful for the said Company, in accordance with the provisions of the beforementioned Acts, to make and construct a branch railway from a point near the pit of the "South Burwood Coal Company (Limited)" to join the railway hereinbefore authorized by the "Redhead Coal-mine Railway Act of 1883" and this Act. Such branch railway shall commence near the pit of the South Burwood Coal Company and near the southern boundary of Walter Bailey's forty-acre block; thence through Walter Bailey's forty-acre northern block; thence through portion number sixty-five, the property of

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T. G. Alcock; thence through portion number twenty-two, the property of Alcock and others; thence through Crown Lands, being portion number one hundred and fourteen, held under mineral lease by the "South Burwood Coal Company (Limited)"; thence through portion number twenty-two aforesaid; thence through portion number twenty-one, the property of E. C. Merewether, to join the railway authorized as aforesaid, such branch railway to be in the direction described in Schedule B hereto.

3. Notwithstanding anything contained in section one of the "Redhead Coal-mine Railway Act of 1883" it shall be lawful for the said Company to take and occupy land along the site of the railways authorized by this Act, having a breadth of not less than sixty-six feet and not greater than one hundred and thirty-two feet.

4. The provisions of the "Redhead Coal-mine Railway Act of 1883" and the "Redhead Coal-mine Railway Act Extension Act of 1883" shall apply to the railways authorized by this Act to be made and constructed, and to all sites for the same, and to all owners of the ground or soil of such sites. And all the provisions of the first-mentioned Acts shall be binding on the said Company and upon all other persons as if the said railways were authorized by such first-mentioned Acts. And nothing in this Act contained shall prejudice or affect any rights acquired or things done under the said Act.

5. It shall be lawful for but not compulsory upon the said Company from time to time and at all times to carry passengers and live stock upon the said railways or either of them or any part thereof respectively, and to make, demand, take, receive, and recover such tolls and dues for carrying the same at such rates per mile or other scale of charges as shall be established from time to time by the said Company for or in respect of all such passengers and live stock which shall be so carried as aforesaid. The said Company is hereby authorized to make such by-laws and regulations as may be deemed necessary for regulating such traffic, and for enforcing and recovering such tolls and dues; and such by-laws and regulations, upon approval of the Governor and Executive Council, shall be binding upon all persons using or travelling upon the said railways. Any person offending against such by-laws or regulations shall be liable to a fine not exceeding ten pounds for each offence, to be recovered in a summary way before any two Justices of the Peace assembled and acting together in Petty Sessions.

6. The said Company shall be responsible for all injuries caused by the improper or negligent construction, maintenance, or working of the said railway, and all claims in respect of such negligence or improper conduct may be enforced against the said Company: Provided that the damages which may be recovered against the said Company in respect of any such claim shall in addition to all other remedies for their recovery be a first charge upon the tolls, fares, or charges charged for the carriage of passengers and goods on the said railway and upon all property used in and upon and necessary for the working of the said railway.

7. This Act may, for all purposes, be cited as the "Redhead Coal-mine Railway Act Amending Act of 1889."

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SCHEDULE A.

Commencing at a point in the parish of Kahibah, county of Northumberland, on the railway line, to the breakwater on the northern shore of the entrance to Lake Macquarie, commonly known as Amos' line; thence on a curve towards the east and north through reclaimed land to the south-eastern corner of allotment four of section three of the village of Kahibah; thence through such corner and through allotment number five of the said section; thence across Adams-street and through allotments one, two, three, and four of section four; thence across Victoria-street and through the south-eastern corner of allotment number six of section seven to a point at the end of the said curve in Collins-street; thence by a straight line bearing northerly across Collins-street and through allotments four, three, and two of section six; thence across a lane in that section and through allotment ten of that section; thence across Albert-street and through the south-eastern corner of an unnumbered section, across Newcastle-street and through another unnumbered section, across Macquarie-street to the north-western boundary of the said village; thence bearing northerly through the reserve for pasture number one hundred and thirty-seven, the southern boundary of portion number one hundred and forty-four, the property of the "Redhead Coal-mining Company (Limited)"; thence northerly and north-easterly through the said portion and portions one hundred and forty-three, one hundred and forty-two, one hundred and forty-one, one hundred and forty, one hundred and twenty-five, one hundred and twenty-four, one hundred and eighteen, seventy-three, and one hundred and seventeen, the property of the said Company, to the northern boundary of the last-mentioned portion; thence bearing north-easterly through portion one-hundred and thirteen, Crown Lands held under mineral lease by the Scottish Australian Mining Company, to the northern boundary of the said portion; thence bearing north-easterly and north-westerly through the water reserve number four, held under mineral lease by the said company, to the western boundary of the same; thence by a curve through portion one hundred and fifteen, Crown Lands held under mineral lease by the said company, to the eastern boundary of the same; thence by line bearing north-easterly and by a curve through the said water reserve number four to the southern boundary of portion 90A, the property of the said company; thence on a curve and by a line bearing north-westerly and on a curve to the northern boundary of the said portion; thence by a line bearing north-westerly through the said portion one hundred and fifteen to the northern boundary of the same; thence north-westerly, north-easterly, and northerly through portion one hundred and fourteen, Crown Lands held under mineral lease by the said company, to the southern boundary of portion one hundred and ten, the property of the Waratah Coal Company, to join the line authorized by the "Redhead Coal-mine Railway Act of 1883," at a point about three miles seventy chains from the junction of the said railway with the Great Northern Railway.

SCHEDULE B.

Commencing at a point near the pit of the South Burwood Coal Company and near the southern boundary of Walter Bailey's forty-acre block; thence by a line bearing north-easterly through Walter Bailey's forty-acre northern block to the western boundary of the same; thence north-westerly through T. G. Alcock's portion number sixty-five to the northern boundary of the same; thence bearing north-westerly and north-easterly through portion number twenty-two, the property of Alcock and others, to the western boundary of the same; thence by a curve and north-easterly through portion number one hundred and fourteen, Crown Lands held under mineral lease by the South Burwood Coal Company, to the eastern boundary of the same; thence north-easterly through the said portion twenty-two to the northern boundary of the same; thence north-easterly and north-westerly through portion twenty-one, the property of E. C. Merewether, to join the line authorized by the "Redhead Coal-mine Railway Act of 1883," at a point about two miles fifty chains from the junction of the said railway with the Great Northern Railway.