

An Act to amend the “Silkstone Coal-mine Railway Act of 1889.” [23rd March, 1892.]

SILKSTONE COAL-MINE RAILWAY ACT
AMENDING.

WHEREAS by the “Silkstone Coal-mine Railway Act of 1889,” Preamble.

hereinafter designated the Principal Act, Richard Tilden Smith and John Thomas Mance, both therein described, their heirs, executors, administrators, or assigns were authorized, upon the conditions and terms therein contained, to construct, subject to the liabilities therein imposed, a railway from the Silkstone Coal-mine, situated near Maitland, in the parish of Stanford, in the county of Northumberland, in the Colony of New South Wales, over and through certain portions of land of the Crown, bodies corporate, and private persons respectively, to the Great Northern Railway, for conveying coal and goods, and at their option passengers and live stock, provided that the said railway should be constructed and brought into use within three years from the passing of the said Principal Act: And whereas it is desirable to extend the time within which the said railway is to be constructed and brought into use: And whereas it is expedient that in the event of the said railway not being wholly constructed and brought into use within the said term of three years (as provided for in section two of the said Principal Act), or within such other extended period as may be allowed by this Act, but only partially so constructed and brought into use within such time, so much of the said lands as shall have the said railway actually constructed and brought into use thereon, including Crown lands, and the said promoters' interest and estate therein should not revert to the Crown and original owners thereof, their heirs and assigns respectively, as provided for in the said Principal Act: And whereas it is further expedient that in the event of the Secretary for Public Works requiring the said promoters (in pursuance of section thirty-four of the said Principal Act) to sell to the Government the said railway upon the terms of paying the then value of such railway, and all lands, buildings, works, materials,

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materials, and plant, all questions as to such value in case of difference (including any question as to whether such value should be inclusive or exclusive of any allowance for past or future profits of the said railway, or any compensation for compulsory sale or other consideration whatsoever) should be left to arbitration in the manner provided for by the said Principal Act: 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:—

The time for completion of the railway to be extended until 30th September, 1894.

1. The time limited by the said Principal Act for the constructing and bringing into use of the said railway shall be, and the same is hereby, extended to the term of two years beyond the time thereby limited, namely until the thirtieth day of September, one thousand eight hundred and ninety-four.

Partial completion of railway.

2. In the event of a portion of the said railway, not less than two miles in length, being constructed and brought into use within the term of three years allowed by the said Principal Act, or within such other extended period as may be allowed by this Act, so much of the said lands as shall have the said railway actually constructed and brought into use thereon, including Crown lands, and the promoters' interest and estate therein shall not revert to the Crown and original owners thereof, their heirs and assigns respectively, but shall remain vested in the said promoters, their heirs, executors, administrators, or assigns, notwithstanding anything to the contrary in the said Act contained: Provided that, on failing to comply with the conditions of this Act, as to the time allowed for the construction of two miles in length or the whole of the said railway, the promoters, their heirs, executors, administrators, or assigns, shall not, except in so far as by this Act provided, be entitled to any of the rights and privileges conferred upon them by this Act, but the said rights and privileges shall thereupon cease and determine.

Purchase of railway by Government.

3. In the event of the Secretary for Public Works on behalf of the Government at any time by notice in writing (in pursuance of section thirty-four of the said Principal Act) requiring the said promoters, their heirs, executors, administrators, or assigns to sell to the Government the said railway, upon the terms of paying the then value of the said railway, and all lands, buildings, works, materials, and plant of the said promoters, their heirs, executors, administrators, or assigns, suitable to and used by them for the purposes of the said railway, all questions as to such value in case of difference shall be left to arbitration in the manner provided for by the said Principal Act.

Short title.

4. This Act may, for all purposes, be cited as the "Silkstone Coal-mine Railway Act Amending Act of 1892," and shall be deemed to be incorporated with, and construed as part of the said "Silkstone Coal-mine Railway Act of 1889."