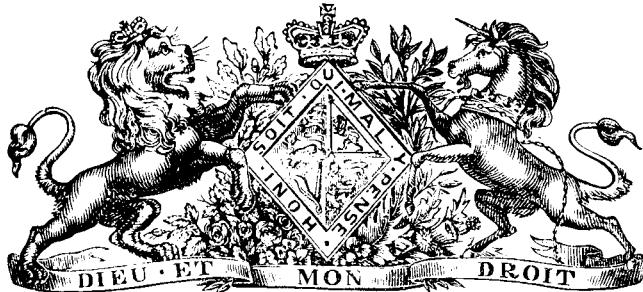


New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIAE REGINÆ.

An Act to enable Richard Read, of Singleton, doctor of medicine, William Longworth, of Lithgow, mine-manager, and Thomas Longworth, of Cobar, mine-manager, their executors, administrators, and assigns, to construct and maintain a line of railway from the mines of the Great Cobar Copper-mining Company (Limited), at Cobar, to communicate with the Great Western Railway, Nýngan to Cobar branch; and for other purposes connected therewith. [20th November, 1899.]

GREAT COBAR
COPPER-MINE
RAILWAY.

WHEREAS Richard Read, of Singleton, doctor of medicine, Preamble.
William Longworth, of Lithgow, mine-manager, and Thomas Longworth, of Cobar, mine-manager, their executors, administrators, and assigns, hereinafter called "the promoters," are the lessees of the mines of the Great Cobar Copper-mining Company (Limited), situated at Cobar, in the parish of Cobar, county of Robinson, in the Colony of New South Wales, and are engaged in the work of copper-mining at the said mines: And whereas the promoters are desirous of constructign

Great Cobar Copper-mine Railway.

a railway from the said mines to the Great Western Railway for the purpose of more beneficially working the said mines and carrying thereon ore, matte regulus, goods, chattels, and such other materials as the promoters may desire: And whereas the promoters are the owners in fee simple of all the land required for the construction of the said railway up to its place of connection with the land of the Railway Commissioners of New South Wales where it is desired to communicate with the Great Western Railway, Nyngan to Cobar Branch, as aforesaid, with the exception of certain streets or highways mentioned in the Schedule hereto, and of a strip of Crown land of the width of ten feet reserved alongside Conduit-street, one of the streets or highways aforesaid: And whereas the promoters have obtained the consent of their lessors, the Great Cobar Copper-mining Company (Limited), and of the Council of the Municipality of Cobar, having the care and management of the streets or highways aforesaid, for the construction and maintenance of the said railway: And whereas it is expedient that the promoters, their executors, administrators, and assigns should have power to construct and maintain the said proposed railway, but by reason of the course thereof crossing the said streets or highways and the said strip of Crown land, such power cannot be obtained without legislative enactment: 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:—

Short title and interpretation.

Authority to construct and maintain railway.

Connection with Government Railways.

Direction and breadth of railway.

1. This Act may be cited for all purposes as the "Great Cobar Copper-mine Railway Act" in its interpretation; and the word "promoters" shall mean the said Richard Read, William Longworth, and Thomas Longworth, their executors, administrators, and assigns.

2. (1) It shall be lawful for the promoters to construct and maintain a railway from the mines of the Great Cobar Copper-mining Company (Limited), situate at Cobar, in the parish of Cobar, and county of Robinson, to communicate with the Government Railways at a point to be approved by the Railway Commissioners of New South Wales. The gauge shall be the standard gauge of the New South Wales Railways.

(2) It shall also be lawful for the promoters to contract with the Railway Commissioners of New South Wales to effect a communication between the railway hereby authorised and the Government Railways in the manner provided for in the one hundred and twelfth section of the Public Works Act, 1888.

(3) The railway hereby authorised shall be in the direction described in the Schedule hereto, but so that the same shall not occupy at the crossing of any of the streets or highways aforesaid or at the crossing of the said strip of Crown land the greater space in breadth than one hundred and thirty-two feet.

3.

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3. (1) For the purposes and subject to the provisions of this Power to alter roads. Act it shall be lawful for the promoters, their deputies, agents, servants, and workmen, and all other persons authorised by them to divert or alter the course of any road or way crossing the said railway, or to raise or sink any road or way in order the more conveniently to carry the same over or under or by the side of the said railway.

(2) If in the exercise of the powers hereby granted it be Substitution of roads. necessary to cross-cut-through, sink, raise, or use any part of any road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the promoters shall before the commencement of any such operations cause a sufficient road to be made instead of any road interfered with, and shall at their own expense maintain such substituted road in a state as convenient as the road interfered with or as nearly as may be.

(3) If in the course of making the said railway the Damages to roads to be made good. promoters shall use or interfere with any road, they shall from time to time make good all damages done by them to such road, and if any question shall arise as to the damage done to any such road by the promoters or as to the repair thereof by them, such question shall be referred to the determination of two justices in petty sessions, who may direct such repairs to be made upon such road in respect of damage done by the promoters, and within such period as the said justices may deem reasonable, and may impose upon the promoters for not carrying into effect such directions any penalty not exceeding five pounds as to such justices shall seem fit: Provided always that the said justices shall have regard to and make full allowance for any tolls that may have been paid by the promoters on such road in the course of using the same.

(4) If the said railway shall cross any road on a level the Level crossings. promoters shall erect and at all times maintain good and sufficient gates across the said railway on each side of such road where the same shall communicate therewith, and such gates shall be kept constantly closed across the said railway on both sides of such road, except when engines or carriages or other vehicles passing along the said railway shall have occasion to cross such road, and such gates shall be of such dimensions and so constructed as when closed to fence in the said railway and prevent horses and cattle passing along such road from entering upon the said railway as aforesaid, and if any person omits to shut and fasten any such gates as soon as he and the engines, carriages, or vehicles under his charge shall have passed through the same, he shall, on conviction thereof before any two justices, forfeit and pay the sum of forty shillings.

4. (1) It shall be lawful for the Governor, by proclamation in Governor may pro- claim public roads across railway. the Government Gazette, to dedicate any portion of land occupied or used

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used by or in connection with the said railway as a public road, in order to allow public traffic across the said railway, and thereupon the said land and road shall be open to such traffic.

(2) If the road shall cross the railway on a level, the provisions of subsection four of section three of this Act shall, on the expiration of six weeks from the publication of the proclamation, have effect with respect to the aforesaid road.

(3) If the road shall not cross the railway on a level, and the Secretary for Lands is of opinion that for the purposes of traffic along the road it is necessary that the railway should be carried by a bridge over the road, or that the road shall be carried by a bridge over the said railway, and the said Secretary, in either of the cases, by writing under his hand, notifies to the promoters that he requires a bridge to be erected as aforesaid, then the promoters shall, within six months after the notification has been made by the said Secretary, erect the bridge subject to and in accordance with such of the provisions of preceding sections as are in the circumstances applicable.

(4) If the promoters do not, within the period limited as aforesaid, erect any bridge as required by the Secretary for Lands, it shall be lawful for the said Secretary, on behalf of Her Majesty, to erect the bridge and recover the cost of the same from the promoters.

(5) For the purpose of erecting any bridge as aforesaid, the said Secretary may, by his officers and servants, enter upon any land of the promoters, and may stop or divert any traffic along the railway of the promoters, and shall not be liable for any loss or damage thereby caused to the promoters or to any person whomsoever.

5. It shall be lawful for but not compulsory upon the promoters from time to time, and at any and all times, to carry passengers, goods, and live stock upon the said railway or any part thereof respectively, and to make, demand, take, receive, and recover such tolls or 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 promoters, with the approval of the Railway Commissioners, for or in respect of all such passengers, goods, and live stock which shall be conveyed upon the said railway or any part thereof. And the promoters are hereby authorised to make such by-laws and regulations, subject to the approval of the Railway Commissioners, not inconsistent with this Act as may be necessary for the regulation of such traffic, and such by-laws or regulations shall be binding upon all persons using or travelling upon the said railway, and 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 in petty sessions, or before a stipendiary or police magistrate: Provided always that if the rates, tolls, or dues that may be established as aforesaid under and by virtue of this Act shall be found excessive, it

Power to carry passengers, &c.

By-laws respecting traffic.

Proviso as to rates, &c.

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it shall be lawful for the Executive Council, on petition by any person, to reduce the said rates, tolls, or dues, and to revise them in such manner as may seem proper and advisable.

6. For the purpose of regulating the conduct of the officers and servants of the promoters, and for providing for the due management of the affairs of the promoters in respect of the said railway, it shall be lawful for the promoters, subject to the provisions of the Act, from time to time to make such by-laws and regulations as they shall think fit. A copy of such by-laws shall be exhibited in a conspicuous place at the mine and shall also be given to every officer and servant of the promoters affected thereby, and such by-laws and regulations may specify a penalty not exceeding ten pounds for any breach thereof, to be recovered in a summary way before any two justices in petty sessions, or before a stipendiary or police magistrate.

7. (1) All by-laws of the promoters relating to the imposition of penalties must be approved of by the Attorney-General of the Colony for the time being before the same shall have effect.

(2) The production of the Government Gazette containing a copy of the by-laws as approved by the Attorney-General shall be sufficient evidence of such by-laws in all proceedings under the same.

8. Nothing in this Act contained shall be deemed to authorise the promoters to enter upon any lands belonging to the Railway Commissioners of New South Wales, or to alter or to interfere with the Government Railways or any of the works thereof, without the previous consent in writing in every instance of the said Railway Commissioners.

9. The Railway Commissioners of New South Wales shall from time to time erect such signals and conveniences incident to the junction of the said railway with the Government Railways, either upon their own lands or upon the lands of the promoters, and may from time to time appoint and remove such watchmen and switchmen and other persons as may be necessary for the prevention of danger to or interference with the traffic at or near the said junction, and in all cases at the expense of the promoters. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the said Railway Commissioners.

10. At any time, after two years from the passing of this Act, the Governor with the advice of the Executive Council, may, if he think fit, purchase such tramway, upon giving to the said promoters, their heirs, executors, administrators, and assigns, six months' notice, in writing, of his intention to do so. If the amount tendered for the purchase of the property be considered inadequate by the said promoters, their heirs, executors, administrators, and assigns, the amount shall be ascertained by assessment in terms of the Lands for Public Purposes Acquisition

Illawarra Harbour and Land Corporation Act Further Amendment.

Acquisition Act and the Acts amending the same: Provided that in no case shall the amount of purchase money exceed the cost of constructing the work.

Railway to revert to Crown if left unused for period of three years.

Meaning of expression "two justices"

11. If the railway hereby authorised shall cease to be worked as a railway by the promoters for three years, the site and permanent way thereof shall, on proclamation by the Governor, with the advice of the Executive Council, vest in and become the absolute property of the Crown, without making any allowance or compensation or paying any consideration in respect thereof to the promoters.

12. Whenever in this Act any matter shall be authorised or required to be done by two justices the expression "two justices" shall mean two justices assembled and acting together in petty sessions, or a stipendiary or police magistrate.

SCHEDULE.

Commencing at the mines of the Great Cobar Copper-mining Company (Limited) at Cobar; thence proceeding in a northerly direction across Nyngan-road; thence through a portion of land the property of the promoters; thence across a strip of Crown land of the breadth of ten feet, fronting Conduit-street, in the town of Cobar, and across Conduit-street aforesaid; thence through other land of the promoters and across Eleventh-street in the said town; thence through other land of the promoters and across Tenth-street in the said town; thence through other land of the promoters north-easterly and across Railway-parade south in the said town to a point on the great western railway, Nyngan to Cobar branch,—to be approved by the Railway Commissioners of New South Wales.