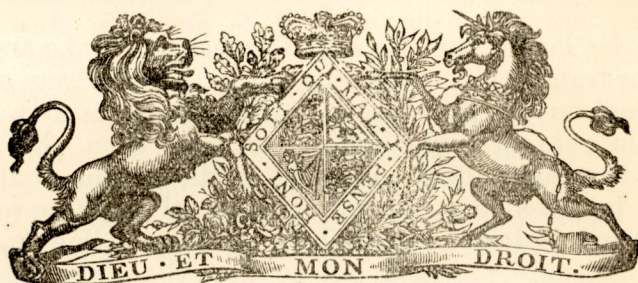


*This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 25 February, 1873. }*

STEPHEN W. JONES,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO TRICESIMO SEXTO

## VICTORIÆ REGINÆ.

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An Act to enable certain persons carrying on business at Bowenfels and Sydney under the name and style of the "Bowenfels Coal Mining and Copper Smelting Company" to construct a Railway or Tramway from land in Lithgow Valley belonging to them to and to connect the same with the Great Western Railway.

**W**HEREAS certain persons trading in Sydney and Bowenfels Preamble.  
under the name and style of the "Bowenfels Coal Mining and  
Copper Smelting Company" have opened coal mines and established  
collieries on a parcel of land situate at Lithgow Valley in the county  
5 of Cook in the Colony of New South Wales and known as the  
Hermitage Colliery and are about to erect buildings and works for the  
purpose of smelting copper ores and in order to facilitate communica-  
tion between the said coal mines collieries and works and the Great  
Western Railway the said Company are desirous of constructing a  
10 railway from their said coal mines to the said Great Western Railway  
but as part of such proposed railway is intended to be made upon  
and pass through lands in the said county the property of Andrew  
Brown of Coerwull Esquire across Farmer's Creek and over and along  
261— reserved



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

reserved roads over which said lands and road the said railway cannot be made and continued without Legislative authority And whereas the said coal mines and smelting works of the said Company are likely to prove beneficial to the Colony and the public advantage is at present  
 5 especially concerned in promoting such an increase in and facilities for the supply of coal for local consumption and exportation as would result from the completion of the said railway it is therefore expedient to authorize by Legislative enactment such constructions and continuations of the said railway subject to the provisions hereinafter con-  
 10 tained upon payment of reasonable compensation to the said Andrew Brown through whose lands the same shall pass for such portion of the said land as may be required to be occupied thereby Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice of the Legislative Council and Legislative Assembly of New South  
 15 Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the said Company to make and con-  
 struct a railway or tramway or part tramway or part railway and to  
 run locomotive engines trucks vans and other carriages at a speed  
 20 not exceeding the rate of eight miles per hour from the Great  
 Western Railway to a point about one chain north of the south-east  
 corner of the one hundred-acre mineral conditional purchase selected  
 by Poole Woolley and Anderson such railway to be in the line described  
 in the Schedule hereunto annexed but so that the same shall not  
 25 occupy in any part thereof a greater breadth than sixty-six feet including  
 foundations abutments and supports.
2. The ground and soil of so much of the site of the railway  
 as passes over the lands of the said Andrew Brown and over Crown  
 land together with such right of ingress egress and regress as may be  
 30 necessary for the making repair and working thereof shall be vested  
 by virtue of this Act and without the necessity of any conveyance in  
 the said Company for the purpose of this railway or tramway Provided  
 that the said tramroad shall be constructed and brought into use  
 within one year after the passing of this Act and that in default  
 35 thereof or if after its completion the said tramroad shall cease to be  
 used by the said promoters their heirs or assigns for one year con-  
 tinuously all the said lands and all their estate and interest therein  
 shall revert to the said Andrew Brown his heirs and assigns and the  
 Crown respectively and all the rights and powers hereby conferred  
 40 on the said promoters shall cease and determine Provided  
 that if in exercise of the powers hereby granted it be found necessary  
 to cross cut through raise sink or use any part of any road the said  
 Company shall cause a sufficient road to be made instead of any road  
 interfered with and shall at their own expense keep the same in a  
 45 proper state of repair and the said Company before they run any  
 locomotive over the said land of the said Andrew Brown for any of  
 the purposes aforesaid shall if required so to do separate the same by  
 a sufficient fence from the lands adjoining thereto with such gates  
 as may be required for the occupation of such land And shall make  
 50 and at all times thereafter maintain all such arches drains and other  
 passages over under or by the sides of the railway as shall at all times  
 convey the water as clearly from the lands lying near to or affected by  
 the railway as before the making of the same or as nearly so as may  
 be and such works shall be made from time to time as the railway  
 55 works proceed The said railway shall at all times when not in actual  
 use by the Company be open to the public upon payment of sixpence  
 per ton for every transit the persons seeking transit to supply his  
 own locomotives trucks waggons &c. and to load and unload the same  
 Provided that if the said railroad shall be damaged in any way  
 60 by parties using the same the Company shall be entitled to compensa-  
 tion

Authority to con-  
 struct railway and  
 connect same with  
 Great Western  
 Railway.

Site of railway shall  
 be vested in Company  
 without conveyance.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

tion for such damage to be recovered in the Supreme or any other competent Court and in estimating such damage the Company shall be entitled not only to compensation for the cost of repairing and restoring such railway but to the consequential damage if any  
5 sustained by reason of the suspension of transit.

3. For the purposes aforesaid it shall be lawful for the said Company their servants or workmen to divert or alter the course of any road or way crossing the railway or to raise or sink any road or way in order the more conveniently to carry the same over or under or  
10 by the side of the railway Provided that if the said promoters do not cause another sufficient road or way to be made before they interfere with any such existing road or way they shall forfeit five pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted and such penalty shall  
15 be paid to the surveyor or other person or persons having the management of such road and shall be applied for the purposes thereof Provided that any gradient on any road so altered shall not exceed one in thirty Provided also that when the said railway or tramway runs across or along any public road on a level there-  
20 with the rails of such railway or tramway shall not be raised more than two inches above the level of such public road Provided further that when the same is carried over or along a public road by means of a viaduct there shall be a clear space of at least twelve feet in height with at least seventy feet of roadway consisting of four ten  
25 feet two fifteen feet openings and that not any support of the said railway be placed nearer to the said mill race than four feet And provided further that in the event of the said Company stopping up or doing or suffering any damage to be done or interfering in any way with the mill race of the said Andrew Brown over which the said  
30 railway passes the same shall be immediately repaired and placed in as good condition as it was before the said railway was constructed as aforesaid.

4. If any person omit to shut and fasten any gate set up at either side or end of the railway or tramway so soon as he and the  
35 carriage cattle or other animal under his care have passed through the same he shall forfeit for every such offence any sum not exceeding two pounds which may be recovered in a summary way before any Justice of the Peace.

5. If within twenty-eight days after the passing of this Act the  
40 said Andrew Brown and the Company shall not agree as to the amount of compensation to be paid by them for the said lands belonging to the said Andrew Brown or for any damage that may be sustained by him by reason of the execution of the works of the Company or if any other question of compensation shall arise under this Act the amount of such  
45 compensation shall be fixed by arbitration in manner hereinafter mentioned That is to say each disputant shall under their hand nominate and appoint an arbitrator and such arbitrators shall before proceeding to arbitration appoint an umpire to act in the event of their disagreement to whom such dispute or matter shall be referred and the  
50 award of such arbitrators to be final and after such appointment neither party shall have power to revoke his or their appointment without the consent of the other nor shall the death of either party operate as a revocation and after a request in writing shall have been served by one party or the other to appoint an arbitrator and such last party having  
55 failed for the space of fourteen days to appoint the same it shall be lawful for the arbitrator who has been appointed to act on behalf of both parties and such arbitrator may proceed to hear and determine the matters which shall be in dispute and in such cases the award or determination of such arbitrators or single arbitrator shall be final and  
60 conclusive.







BOWENFELS COAL MINING AND COPPER SMELTING COMPANY'S  
RAILWAY BILL.

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*SCHEDULE of the Amendments referred to in Message of 19th March, 1873.*

JOHN J. CALVERT,  
Clerk of the Parliaments.

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Page 2, clause 2, line 51. *Omit "sixpence" insert "three-pence"*  
" " lines 52 and 53. *Omit "his own" insert "steam"*  
" " line 53. *Omit the letter "s" in locomotives and thereafter insert*  
*"power"*  
" " line 54. *After "same" insert "but the empty trucks to be*  
*"conveyed on their return free of cost Provided that if the Company*  
*"shall employ locomotive engines of their own upon the said railway*  
*"then in such case the Company shall supply the locomotive power to*  
*"persons seeking transit and shall be entitled to charge the sum of*  
*"four-pence per ton for every transit"*

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*This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 25 February, 1873. }*

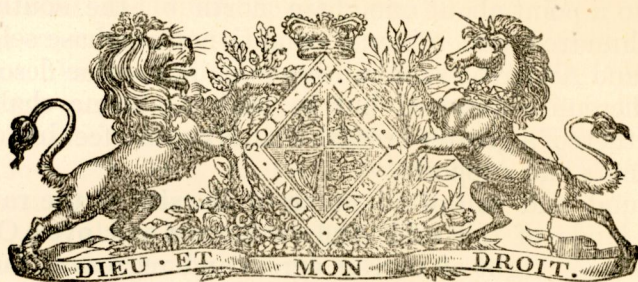
STEPHEN W. JONES,  
*Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 19th March, 1873. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO TRICESIMO SEXTO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

An Act to enable certain persons carrying on business at Bowenfels and Sydney under the name and style of the "Bowenfels Coal Mining and Copper Smelting Company" to construct a Railway or Tramway from land in Lithgow Valley belonging to them to and to connect the same with the Great Western Railway.

**W**HEREAS certain persons trading in Sydney and Bowenfels Preamble.  
under the name and style of the "Bowenfels Coal Mining and  
Copper Smelting Company" have opened coal mines and established  
collieries on a parcel of land situate at Lithgow Valley in the county  
5 of Cook in the Colony of New South Wales and known as the  
Hermitage Colliery and are about to erect buildings and works for the  
purpose of smelting copper ores and in order to facilitate communica-  
tion between the said coal mines collieries and works and the Great  
Western Railway the said Company are desirous of constructing a  
10 railway from their said coal mines to the said Great Western Railway  
but as part of such proposed railway is 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 road the said railway cannot  
15 be made and continued without Legislative authority And whereas  
the said coal mines and smelting works of the said Company are likely  
to prove beneficial to the Colony and the public advantage is at present  
especially concerned in promoting such an increase in and facilities  
261— for

NOTE.—The word to be omitted is ruled through; those to be inserted are printed in black letter.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

for the supply of coal for local consumption and exportation as would result from the completion of the said railway it is therefore expedient to authorize by Legislative enactment such constructions and continuations of the said railway subject to the provisions hereinafter contained upon payment of reasonable compensation to the said Andrew Brown through whose lands the same shall pass for such portion of the said land as may be required to be occupied thereby Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice 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 said Company to make and construct a railway or tramway or part tramway or part railway and to run locomotive engines trucks vans and other carriages at a speed not exceeding the rate of eight miles per hour from the Great Western Railway to a point about one chain north of the south-east corner of the one hundred-acre mineral conditional purchase selected by Poole Woolley and Anderson such railway to be in the line described in the Schedule hereunto annexed but so that the same shall not occupy in any part thereof a greater breadth than sixty-six feet including foundations abutments and supports.

Authority to construct railway and connect same with Great Western Railway.

2. The ground and soil of so much of the site of the railway as passes over the lands of the said Andrew Brown and over Crown land together with such right of ingress egress and regress as may be necessary for the making repair and working thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the said Company for the purpose of this railway or tramway Provided that the said tramroad shall be constructed and brought into use within one year after the passing of this Act and that in default thereof or if after its completion the said tramroad shall cease to be used by the said promoters their heirs or assigns for one year continuously all the said lands and all their estate and interest therein shall revert to the said Andrew Brown his heirs and assigns and the Crown respectively and all the rights and powers hereby conferred on the said promoters shall cease and determine Provided that if in exercise of the powers hereby granted it be found necessary to cross cut through raise sink or use any part of any road the said Company shall cause a sufficient road to be made instead of any road interfered with and shall at their own expense keep the same in a proper state of repair and the said Company before they run any locomotive over the said land of the said Andrew Brown for any of the purposes aforesaid shall if required so to do separate the same by a sufficient fence from the lands adjoining thereto with such gates as may be required for the occupation of such land And shall make and at all times thereafter maintain all such arches drains and other passages over under or by the sides of the railway as shall at all times convey the water as clearly from the lands lying near to or affected by the railway as before the making of the same or as nearly so as may be and such works shall be made from time to time as the railway works proceed The said railway shall at all times when not in actual use by the Company be open to the public upon payment of ~~sixpence~~ **three-pence** per ton for every transit the persons seeking transit to supply his own steam locomotives power trucks waggons &c. and to load and unload the same but the empty trucks to be conveyed on their return free of cost Provided that if the Company shall employ locomotive engines of their own upon the said railway then in such case the Company shall supply the locomotive power to persons seeking transit and shall be entitled to charge the sum of four-pence per ton for every transit Provided that if the said railroad shall be damaged in any way by parties using the same the Company shall be entitled to compensation

Site of railway shall be vested in Company without conveyance.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

tion for such damage to be recovered in the Supreme or any other competent Court and in estimating such damage the Company shall be entitled not only to compensation for the cost of repairing and restoring such railway but to the consequential damage if any  
5 sustained by reason of the suspension of transit.

3. For the purposes aforesaid it shall be lawful for the said Power to divert or alter roads. Company their servants or workmen to divert or alter the course of any road or way crossing the railway or to raise or sink any road or way in order the more conveniently to carry the same over or under or  
10 by the side of the railway Provided that if the said promoters do not cause another sufficient road or way to be made before they interfere with any such existing road or way they shall forfeit five pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted and such penalty shall  
15 be paid to the surveyor or other person or persons having the management of such road and shall be applied for the purposes thereof Provided that any gradient on any road so altered shall not exceed one in thirty Provided also that when the said railway or tramway runs across or along any public road on a level there-  
20 with the rails of such railway or tramway shall not be raised more than two inches above the level of such public road Provided further that when the same is carried over or along a public road by means of a viaduct there shall be a clear space of at least twelve feet in height with at least seventy feet of roadway consisting of four ten  
25 feet two fifteen feet openings and that not any support of the said railway be placed nearer to the said mill race than four feet And provided further that in the event of the said Company stopping up or doing or suffering any damage to be done or interfering in any way with the mill race of the said Andrew Brown over which the said  
30 railway passes the same shall be immediately repaired and placed in as good condition as it was before the said railway was constructed as aforesaid.

4. If any person omit to shut and fasten any gate set up at Penalty to persons omitting to fasten gates. either side or end of the railway or tramway so soon as he and the  
35 carriage cattle or other animal under his care have passed through the same he shall forfeit for every such offence any sum not exceeding two pounds which may be recovered in a summary way before any Justice of the Peace.

5. If within twenty-eight days after the passing of this Act the Compensation clause.  
40 said Andrew Brown and the Company shall not agree as to the amount of compensation to be paid by them for the said lands belonging to the said Andrew Brown or for any damage that may be sustained by him by reason of the execution of the works of the Company or if any other question of compensation shall arise under this Act the amount of such  
45 compensation shall be fixed by arbitration in manner hereinafter mentioned That is to say each disputant shall under their hand nominate and appoint an arbitrator and such arbitrators shall before proceeding to arbitration appoint an umpire to act in the event of their disagreement to whom such dispute or matter shall be referred and the  
50 award of such arbitrators to be final and after such appointment neither party shall have power to revoke his or their appointment without the consent of the other nor shall the death of either party operate as a revocation and after a request in writing shall have been served by one party or the other to appoint an arbitrator and such last party having  
55 failed for the space of fourteen days to appoint the same it shall be lawful for the arbitrator who has been appointed to act on behalf of both parties and such arbitrator may proceed to hear and determine the matters which shall be in dispute and in such cases the award or determination of such arbitrators or single arbitrator shall be final and  
60 conclusive.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

6. Before any arbitrator or umpire shall enter into the con- Arbitrator or umpire  
sideration of any matters referred to him he shall in the presence of a to make a declaration  
Justice of the Peace make and subscribe the following declaration that for faithful discharge  
is to say:— of duty.

5 I A.B. do solemnly and sincerely declare that I am not  
interested in the matters referred to me under the provi-  
sions of the "Bowenfels Coal Mining and Copper Smelting  
Company's Railway Act" and that I will faithfully and  
10 honestly and to the best of my skill and ability hear and  
determine the said matters.

(Signed)

A.B.

Made and subscribed in the presence of

7. And such declaration shall be annexed to the award when Penalty for mis-  
made and if any arbitrator or umpire having made such declaration conduct.  
15 shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

8. All the costs of any such arbitration and incident thereto Costs of arbitration  
the amount whereof shall be settled by the arbitrators shall be borne how borne.  
by the Company unless the arbitrators shall award the same amount  
or less than the amount offered by the Company as compensation in  
20 which case the whole costs shall be paid by the claimant.

9. The arbitrators shall deliver their award in writing to the Award to be delivered  
Company who shall retain the same and furnish a copy on demand to to the Company.  
the claimant and the amount awarded shall be paid within sixty days  
after publication of such award.

25 10. The submission to any such arbitration may be made a rule Submission may be  
of the Supreme Court on the application of either of the parties. made a rule of Court.

11. No award made with respect to any question referred to Award not void  
arbitration under the provisions of this Act shall be set aside for through error in  
irregularity or error in matter of form. form.

30 12. The said Company shall not be entitled to any mines of Minerals not to pass.  
coal iron stone slate or other minerals under any land whereof the  
surface is vested in them by this Act except only such parts  
thereof as shall be necessary to be dug or carried away in the  
construction of the works hereby authorized and such mines shall not  
35 be deemed to vest in the said Company but not any of the land so  
taken shall be used for the purpose of erection thereon of any building  
or for smelting or other manufacturing purposes and it shall be lawful  
for the said Andrew Brown his heirs and assigns from time to time  
and at all times hereafter with servants and workmen to enter upon  
40 the land so to be vested in the said Company for the purpose of view-  
ing and examining the state and condition of the said mill race and  
to do all necessary acts for the purpose of cleansing repairing and  
enlarging the same at his and their pleasure but so that not any such  
acts shall injure the said railway or the works of the same.

45 13. The following words and expressions in this Act shall have Interpretation clause  
the meaning hereby assigned to them The word "Company" shall and short title.  
mean the said "Bowenfels Coal Mining and Copper Smelting Company"  
the words "railway" or "tramway" shall mean the railway or  
tramway hereby authorized to be constructed and in citing this Act  
50 it shall be sufficient to use the expression "The Bowenfels Coal  
Mining and Copper Smelting Company's Railway Act" The word  
"Justice" shall mean Justice of the Peace in and for the Colony of  
New South Wales.

14. This Act shall be deemed and taken to be a Public Act and Act to be deemed a  
55 shall be judicially taken notice of as such by all Judges Justices and Public Act.  
others without being specially pleaded.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

## SCHEDULE.

A piece or parcel of land 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 eight chains radius to 5 the railway fence and hence through the land of Andrew Brown Esquire one chain in width 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 Company's land across a reserved road and again across the Company's land to a 10 reserved road one chain wide and along the said road terminating at a point one chain north of the south-eastern corner of Poole Woolley and Anderson's mineral conditional purchase.

Sydney: Thomas Richards, Government Printer.—1873.

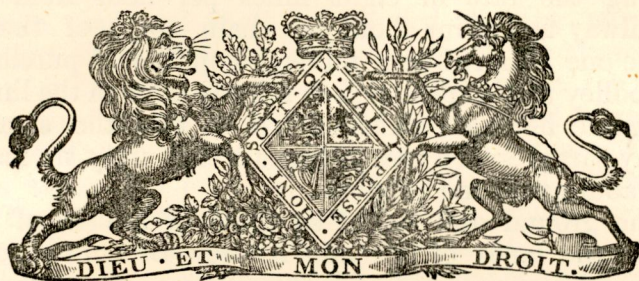
[6d.]







## New South Wales.



ANNO TRICESIMO SEXTO

## VICTORIÆ REGINÆ.

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An Act to enable certain persons carrying on business at Bowenfels and Sydney under the name and style of the "Bowenfels Coal Mining and Copper Smelting Company" to construct a Railway or Tramway from land in Lithgow Valley belonging to them to and to connect the same with the Great Western Railway. [Assented to, 2nd April, 1873.]

**W**HEREAS certain persons trading in Sydney and Bowenfels under the name and style of the "Bowenfels Coal Mining and Copper Smelting Company" have opened coal mines and established collieries on a parcel of land situate at Lithgow Valley in the county of Cook in the Colony of New South Wales and known as the Hermitage Colliery and are about to erect buildings and works for the purpose of smelting copper ores and in order to facilitate communication between the said coal mines collieries and works and the Great Western Railway the said Company are desirous of constructing a railway from their said coal mines to the said Great Western Railway but as part of such proposed railway is 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 road the said railway cannot be made and continued without Legislative authority And whereas the said coal mines and smelting works of the said Company are likely to prove beneficial to the Colony and the public advantage is at present especially concerned in promoting such an increase in and facilities for

Preamble.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

for the supply of coal for local consumption and exportation as would result from the completion of the said railway it is therefore expedient to authorize by Legislative enactment such constructions and continuations of the said railway subject to the provisions hereinafter contained upon payment of reasonable compensation to the said Andrew Brown through whose lands the same shall pass for such portion of the said land as may be required to be occupied thereby Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice 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 and connect same with Great Western Railway.

1. It shall be lawful for the said Company to make and construct a railway or tramway or part tramway or part railway and to run locomotive engines trucks vans and other carriages at a speed not exceeding the rate of eight miles per hour from the Great Western Railway to a point about one chain north of the south-east corner of the one hundred-acre mineral conditional purchase selected by Poole Woolley and Anderson such railway to be in the line described in the Schedule hereunto annexed but so that the same shall not occupy in any part thereof a greater breadth than sixty-six feet including foundations abutments and supports.

Site of railway shall be vested in Company without conveyance.

2. The ground and soil of so much of the site of the railway as passes over the lands of the said Andrew Brown and over Crown land together with such right of ingress egress and regress as may be necessary for the making repair and working thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the said Company for the purpose of this railway or tramway Provided that the said tramroad shall be constructed and brought into use within one year after the passing of this Act and that in default thereof or if after its completion the said tramroad shall cease to be used by the said promoters their heirs or assigns for one year continuously all the said lands and all their estate and interest therein shall revert to the said Andrew Brown his heirs and assigns and the Crown respectively and all the rights and powers hereby conferred on the said promoters shall cease and determine Provided that if in exercise of the powers hereby granted it be found necessary to cross cut through raise sink or use any part of any road the said Company shall cause a sufficient road to be made instead of any road interfered with and shall at their own expense keep the same in a proper state of repair and the said Company before they run any locomotive over the said land of the said Andrew Brown for any of the purposes aforesaid shall if required so to do separate the same by a sufficient fence from the lands adjoining thereto with such gates as may be required for the occupation of such land And shall make and at all times thereafter maintain all such arches drains and other passages over under or by the sides of the railway as shall at all times convey the water as clearly from the lands lying near to or affected by the railway as before the making of the same or as nearly so as may be and such works shall be made from time to time as the railway works proceed The said railway shall at all times when not in actual use by the Company be open to the public upon payment of three-pence per ton for every transit the persons seeking transit to supply steam locomotive power trucks waggons &c. and to load and unload the same but the empty trucks to be conveyed on their return free of cost Provided that if the Company shall employ locomotive engines of their own upon the said railway then in such case the Company shall supply the locomotive power to persons seeking transit and shall be entitled to charge the sum of four-pence per ton for every transit Provided that if the said railroad shall be damaged in any way by parties using the same the Company shall be entitled to compensation



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

tion for such damage to be recovered in the Supreme or any other competent Court and in estimating such damage the Company shall be entitled not only to compensation for the cost of repairing and restoring such railway but to the consequential damage if any sustained by reason of the suspension of transit.

3. For the purposes aforesaid it shall be lawful for the said Company their servants or workmen to divert or alter the course of any road or way crossing the 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 railway Power to divert or alter roads. Provided that if the said promoters do not cause another sufficient road or way to be made before they interfere with any such existing road or way they shall forfeit five pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted and such penalty shall be paid to the surveyor or other person or persons having the management of such road and shall be applied for the purposes thereof. Provided that any gradient on any road so altered shall not exceed one in thirty. Provided also that when the said railway or tramway runs across or along any public road on a level therewith the rails of such railway or tramway shall not be raised more than two inches above the level of such public road. Provided further that when the same is carried over or along a public road by means of a viaduct there shall be a clear space of at least twelve feet in height with at least seventy feet of roadway consisting of four ten feet two fifteen feet openings and that not any support of the said railway be placed nearer to the said mill race than four feet. And provided further that in the event of the said Company stopping up or doing or suffering any damage to be done or interfering in any way with the mill race of the said Andrew Brown over which the said railway passes the same shall be immediately repaired and placed in as good condition as it was before the said railway was constructed as aforesaid.

4. If any person omit to shut and fasten any gate set up at either side or end of the railway or tramway so soon as he and the carriage cattle or other animal under his care have passed through the same he shall forfeit for every such offence any sum not exceeding two pounds which may be recovered in a summary way before any Justice of the Peace. Penalty to persons omitting to fasten gates.

5. If within twenty-eight days after the passing of this Act the said Andrew Brown and the Company shall not agree as to the amount of compensation to be paid by them for the said lands belonging to the said Andrew Brown or for any damage that may be sustained by him by reason of the execution of the works of the Company or if any other question of compensation shall arise under this Act the amount of such compensation shall be fixed by arbitration in manner hereinafter mentioned. That is to say each disputant shall under their hand nominate and appoint an arbitrator and such arbitrators shall before proceeding to arbitration appoint an umpire to act in the event of their disagreement to whom such dispute or matter shall be referred and the award of such arbitrators to be final and after such appointment neither party shall have power to revoke his or their appointment without the consent of the other nor shall the death of either party operate as a revocation and after a request in writing shall have been served by one party or the other to appoint an arbitrator and such last party having failed for the space of fourteen days to appoint the same it shall be lawful for the arbitrator who has been appointed to act on behalf of both parties and such arbitrator may proceed to hear and determine the matters which shall be in dispute and in such cases the award or determination of such arbitrators or single arbitrator shall be final and conclusive. Compensation clause.



*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

Arbitrator or umpire  
to make a declaration  
for faithful discharge  
of duty.

6. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace make and subscribe the following declaration that is to say :—

I A.B. do solemnly and sincerely declare that I am not interested in the matters referred to me under the provisions of the "Bowenfels Coal Mining and Copper Smelting Company's Railway Act" and that I will faithfully and honestly and to the best of my skill and ability hear and determine the said matters.

(Signed) A.B.

Made and subscribed in the presence of

Penalty for mis-  
conduct.

7. And such declaration shall be annexed to the award when made and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanor.

Costs of arbitration  
how borne.

8. All the costs of any such arbitration and incident thereto the amount whereof shall be settled by the arbitrators shall be borne by the Company unless the arbitrators shall award the same amount or less than the amount offered by the Company as compensation in which case the whole costs shall be paid by the claimant.

Award to be delivered  
to the Company.

9. The arbitrators shall deliver their award in writing to the Company who shall retain the same and furnish a copy on demand to the claimant and the amount awarded shall be paid within sixty days after publication of such award.

Submission may be  
made a rule of Court.

10. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Award not void  
through error in  
form.

11. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Minerals not to pass.

12. The said Company shall not be entitled to any mines of coal iron stone slate or other minerals under any land whereof the surface is vested in them by this Act except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized and such mines shall not be deemed to vest in the said Company but not any of the land so taken shall be used for the purpose of erection thereon of any building or for smelting or other manufacturing purposes and it shall be lawful for the said Andrew Brown his heirs and assigns from time to time and at all times hereafter with servants and workmen to enter upon the land so to be vested in the said Company for the purpose of viewing and examining the state and condition of the said mill race and to do all necessary acts for the purpose of cleansing repairing and enlarging the same at his and their pleasure but so that not any such acts shall injure the said railway or the works of the same.

Interpretation clause  
and short title.

13. The following words and expressions in this Act shall have the meaning hereby assigned to them The word "Company" shall mean the said "Bowenfels Coal Mining and Copper Smelting Company" the words "railway" or "tramway" shall mean the railway or tramway hereby authorized to be constructed and in citing this Act it shall be sufficient to use the expression "The Bowenfels Coal Mining and Copper Smelting Company's Railway Act" The word "Justice" shall mean Justice of the Peace in and for the Colony of New South Wales.

Act to be deemed a  
Public Act.

14. This Act shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such by all Judges Justices and others without being specially pleaded.



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*Bowenfels Coal Mining and Copper Smelting Company's Railway.*

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SCHEDULE.

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A piece or parcel of land 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 eight chains radius to the railway fence and hence through the land of Andrew Brown Esquire one chain in width 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 Company's land 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-eastern corner of Poole Woolley and Anderson's mineral conditional purchase.

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By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1873.

[6d.]



THE COAL MINES OF THE DISTRICT OF COLUMBIA

INTRODUCTION

The coal mines of the District of Columbia are situated in the western part of the District, and are the only source of supply for the District. The coal is of a high quality, and is used for domestic and industrial purposes. The mines are worked by the Government, and the coal is sold at a low price to the public. The coal is also used for the manufacture of gas, and for the production of electricity. The coal mines of the District of Columbia are a valuable asset to the District, and they are well worth the effort and expense of working them.

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