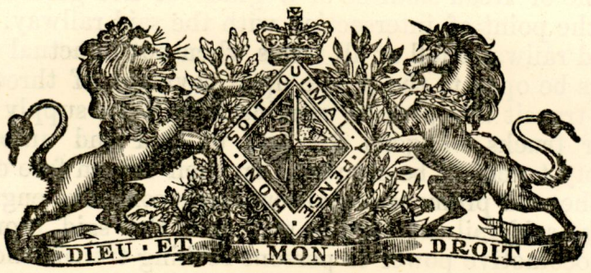

This Private Bill *originated in the* Legislative Assembly, *and, having this day passed, is now ready for presentation to the* Legislative Council *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 29 *October,* 1873.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

* * *

An Act to authorize the construction by Patrick Higgins of Sydney in the Colony of New South Wales Esquire John Busby of Bathurst in the said Colony Esquire Edward Gell of the same place Esquire Thomas Talbot Wilton of Sydney aforesaid Esquire and Edward Combes of Glanmire near Bathurst aforesaid Esquire of a Railway from land belonging to them over a Road known as Bell's line of Road so as to form a connection with the Great Western Railway.

Preamble.

WHEREAS Patrick Higgins John Busby Edward Gell Thomas Talbot Wilton and Edward Combes (hereinafter styled the said promoters) have opened certain coal mines and established a colliery on a parcel of land situated at Lithgow Valley in the County of Cook in the Colony of New South Wales known as the Lithgow Valley Colliery And whereas the said promoters have constructed a railway for conveying coals from the said mine to the Great Western Railway for transmission from thence And whereas the said railway will be of great public benefit in promoting the supply of coal for local and general consumption and exportation And whereas the line of the said railway crosses a certain road known by the name of Bell's line of road hereinafter described although with this exception constructed entirely on the lands of the said promoters and it is essential that the said promoters should be empowered to continue the line of the said railway

railway across such road upon terms and conditions to be determined by Parliament 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 :—

Company may cross Bell's line of road.

1. It shall be lawful for the said promoters upon the terms and conditions and subject to the provisoes and other enactments hereinafter contained to continue and use the railway already so constructed as abovementioned and to run locomotive engines trucks vans and other carriages thereon at a speed not exceeding the rate of eight miles per hour across and over the said road known as the Bell's line of road at the points particularly indicated in the Schedule hereto Provided such railway shall not occupy in any part thereof along the said road a greater space in breadth than one chain and that the gauge thereof shall be four feet eight and a half inches Provided also that the said Bell's Line of Road shall be of a grade of not greater than one in twelve at the point of intersection with the said railway.

Proviso.

Railway open to the public.

2. The said railway shall at all times when not in actual use by the said promoters be open to the public upon payment of threepence 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 said promoters shall employ locomotive engines of their own upon the said railway then in such case the said promoters shall supply the locomotive power to persons seeking transit and shall be entitled to charge the sum of fourpence per ton for every transit Provided that if the said railway shall be damaged in any way by parties using the same the said promoters shall be entitled to compensation for such damage to be recovered in the Supreme Court or any other competent Court and in estimating such damage the said promoters 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 suspension of transit.

Interpretation clause.

3. The following words and expressions in this Act shall have the meaning hereby assigned to them—

The word "Promoters" shall mean the said "Patrick Higgins John Busby Edward Gell Thomas Talbot Wilton and Edward Combes."

The word "Railway" shall mean the railway hereby authorized to be constructed or continued.

The word "Road" shall mean the road known as Bell's line of road.

And in citing this Act it shall be sufficient to use the expression "The Lithgow Valley Colliery 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.

4. 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.

SCHEDULE.

SCHEDULE.

Commencing at a point at the intersection of the western rail of such railway with the northern alignment of such road distant seventy-six links bearing south seventy-five degrees west to the south-west corner of one acre two roods and twenty-six perches being portion of certificate of title volume CXVI folio forty recently transferred from Thomas Brown to a point at the intersection of the western rail of the said railway with the southern alignment of the said Bell's line of road distant forty-two links (parallel to the above line of seventy-six links) from the intersection of the last-mentioned alignment with the western boundary of twenty acres conveyed to the promoters by an indenture bearing date the twenty-fourth day of October one thousand eight hundred and seventy-two made between Thomas Sheedy and Johanna his wife of the one part and the said promoters of the other part all such dimensions being considered little more or less.

Sydney: Thomas Richards, Government Printer.—1873.

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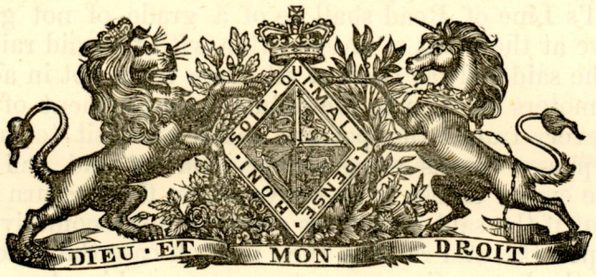

New South Wales.

DIEU ET MON DROIT

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Preamble.

WHEREAS Patrick Higgins John Busby Edward Gell Thomas Talbot Wilton and Edward Combes (hereinafter styled the said promoters) have opened certain coal mines and established a colliery on a parcel of land situated at Lithgow Valley in the County of Cook in the Colony of New South Wales known as the Lithgow Valley Colliery And whereas the said promoters have constructed a railway for conveying coals from the said mine to the Great Western Railway for transmission from thence And whereas the said railway will be of great public benefit in promoting the supply of coal for local and general consumption and exportation And whereas the line of the said railway crosses a certain road known by the name of Bell's line of road hereinafter described although with this exception constructed entirely on the lands of the said promoters and it is essential that the said promoters should be empowered to continue the line of the said railway

railway across such road upon terms and conditions to be determined by Parliament 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 :—

Company may cross Bell's line of road.

1. It shall be lawful for the said promoters upon the terms and conditions and subject to the provisoes and other enactments hereinafter contained to continue and use the railway already so constructed as abovementioned and to run locomotive engines trucks vans and other carriages thereon at a speed not exceeding the rate of eight miles per hour across and over the said road known as the Bell's line of road at the points particularly indicated in the Schedule hereto Provided such railway shall not occupy in any part thereof along the said road a greater space in breadth than one chain and that the gauge thereof shall be four feet eight and a half inches Provided also that the said Bell's Line of Road shall be of a grade of not greater than one in twelve at the point of intersection with the said railway.

Proviso.

Railway open to the public.

2. The said railway shall at all times when not in actual use by the said promoters be open to the public upon payment of threepence 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 said promoters shall employ locomotive engines of their own upon the said railway then in such case the said promoters shall supply the locomotive power to persons seeking transit and shall be entitled to charge the sum of fourpence per ton for every transit Provided that if the said railway shall be damaged in any way by parties using the same the said promoters shall be entitled to compensation for such damage to be recovered in the Supreme Court or any other competent Court and in estimating such damage the said promoters 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 suspension of transit.

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

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