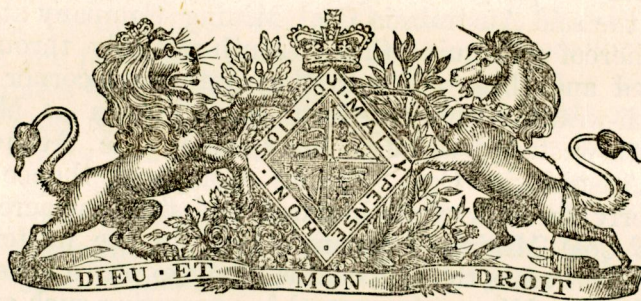


## New South Wales.



ANNO TRICESIMO NONO

## VICTORIÆ REGINÆ.

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An Act to enable the "Australasia Coal Company Limited" to construct a Railway from certain Collieries near Newcastle to and to connect the same with the Great Northern Railway. [Assented to, 9th August, 1875.]

**W**HEREAS the "Australasia Coal Company Limited" being a Preamble.  
Company incorporated under the Act twenty-seventh Victoria number one hundred and ninety of the Colony of Victoria is possessed of or entitled to certain large tracts of land situate on Winding Creek in the parish of Newcastle in the county of Northumberland in the Colony of New South Wales on which there are extensive fields of valuable coal And whereas the said Company in order to facilitate communication between the said lands and the Great Northern Railway is desirous of constructing certain railways that is to say a line of railway to commence at the Great Northern Railway at a point about two and a half ( $2\frac{1}{2}$ ) miles distant from the Port of Newcastle and passing in a north-westerly and south-westerly direction through the two thousand acre grant of the Australian Agricultural Company thence south-westerly through thirty-nine acres and two hundred and seventy acres respectively supposed to be leased by Messieurs Morehead and Young for coal mining purposes thence south-westerly through three hundred and ten acres supposed to be held under lease for coal mining purposes by Messieurs James Brown and Alexander Brown crossing  
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*Australasia Coal Company.*

the old Hartley Vale Railway (not now in use) at a point about seventy-eight chains from the point of commencement of the said Australasia Coal Mining Company's proposed railway thence south-westerly through a one hundred and fifty-six acres of land held under lease by the Waratah Coal Company and crossing the proposed railway of the said Company at a point about one hundred and seventeen chains from the point of commencement of the aforesaid Australasia Coal Company's proposed line of railway and thence continuing south-westerly through one hundred and twenty-nine acres of freehold land the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in a south-westerly direction through six hundred and forty acres the property of the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company at the eastern boundary thereof continuing thence south-westerly through the said two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing south-westerly through eight hundred and fifty-one acres of the said Australasia Coal Mining Company's land to the western boundary thereof And whereas the said coal is likely to prove beneficial to the Colony and the public are concerned in promoting such an increase in and facilities for the supply of coal for local consumption steam navigation and export as would result from the construction of the said proposed railway and the traffic on the Great Northern Railway would be greatly increased thereby it is therefore desirable to authorize by Legislative enactment the construction of the said railway subject to the provisions hereinafter contained upon payment of compensation to the several parties through whose lands the same shall pass for such portions of their respective lands as may be required to be occupied thereby 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 railways.

1. It shall be lawful for the Australasia Coal Mining Company to make construct and maintain the following railway that is to say a line of railway to commence at the Great Northern Railway at a point about two and a half miles distant from the port of Newcastle and passing in a north-westerly and south-westerly direction through the two thousand acre grant of the Australian Agricultural Company thence south-westerly through thirty-nine acres and two hundred and seventy acres respectively supposed to be leased by Messieurs Morehead and Young for coal-mining purposes thence south-westerly through three hundred and ten acres supposed to be held under lease for coal-mining purposes by Messieurs James Brown and Alexander Brown crossing the old Hartley Vale Railway (not now in use) at a point about seventy-eight chains from the point of commencement of the said Australasia Coal Mining Company's proposed railway thence south-westerly through one hundred and fifty-six acres of land held under lease by the Waratah Coal Company and crossing the proposed railway of the said Company at a point about one hundred and seventeen chains from the point of commencement of the aforesaid Australasia Coal Mining Company's proposed line of railway thence continuing south-westerly through one hundred and twenty-nine acres of



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of freehold land the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in a south-westerly direction through six hundred and forty acres the property of the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company's land at the eastern boundary thereof continuing thence south-westerly through the said two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing south-westerly through eight hundred and fifty-one acres of the said Australasia Coal Mining Company's land to the western boundary thereof the entire length of the proposed line of railway from the Great Northern Railway being about six miles and of the width of one chain or sixty-six feet And for that purpose the said Company shall subject to the provisions hereinafter contained have power to cross any existing lines of railway now upon the said proposed line of railway on the level in such manner as shall be approved by the Superintendent of Permanent-way and Works on the Great Northern Railway and the rails for such crossing shall be laid down at the expense of the said Company under and subject to the approval of such superintendent and for that purpose to lay down such rails and execute such other works as shall be necessary for the purpose of such crossings Provided that the said Company shall before they shall be at liberty to cross the said railways respectively erect upon their own land and at all times thereafter maintain a suitable station or lodge at the place where the said railways shall cross on the level and shall also erect and maintain all necessary signals that is to say the signals in the first Schedule hereto at each of the crossings referred to and the said Company shall employ and constantly keep employed at their own expense at the said crossings fit and proper persons to attend to such signals and the persons so employed shall act under and in accordance with the regulations in the second Schedule hereto set forth No preference shall be given to the trains of any Company but the train first approaching a crossing shall have the signals lowered to enable it to pass Provided also that it shall be lawful to deviate from the said line of railway as described as aforesaid at a distance of ten chains on either side thereof respectively but not to any greater distance without the previous sanction of Parliament.

2. Such lands as shall be taken under the provisions of this Act for the purposes of the said railway together with such rights of ingress egress and regress upon the adjacent lands as may be necessary for the working and repair thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the Australasia Coal Mining Company Provided that nothing herein contained shall prevent the owners of the lands to be appropriated for the purposes of such railway from carrying on any mining operations beneath the said railway which shall not interfere with the safety of the said railway and the traffic thereon and that the said Australasia Coal Mining Company shall have no further right to the soil of the lands beneath the surface than shall be requisite for the formation and repair of the said railway and for cutting and banking or otherwise Provided also that if in the exercise of the powers hereby granted it be found necessary to cut through raise such or use any part of any road

Site of railway shall be vested in the Company without conveyance.



*Australasia Coal Company.*

road whether carriage road or horse road so as to render it impossible for or dangerous or inconvenient to the persons entitled to the use thereof the said Australasia Coal Mining Company shall before the commencement of any such operation cause a sufficient road to be made instead of any such road interfered with and shall at the expense of the said Company maintain such substituted road in a state as convenient as the road interfered with or as nearly as may be and the said Company before they use the said lands through which the said proposed line of railway is intended to pass shall if required so to do separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such lands and shall also to all private roads used by the said Company as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads And in case of any difference between the owners or occupiers of such roads and land and the said Australasia Coal Mining Company as to necessity of such fences and gates such fences and gates shall be put up by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

Railway open to the public.

3. The said railway shall be open to the public upon payment of one penny and one half-penny per ton per mile for every transit the person seeking transit to supply steam locomotive power trucks waggons et cetera and to load and unload the same 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 two-pence per ton per mile for every transit but the empty trucks to be conveyed on their return free of cost Provided that if the said railway shall be damaged in any way by parties using the same the Company shall be entitled to compensation for such damage to be recovered in the Supreme or any other competent Court and in estimating such damage the Company shall be entitled only to compensation for the cost of repairing and restoring such railway but not to the consequential damage if any sustained by reason of the suspension of transit.

Branch railways.

4. And be it enacted that it shall be lawful for the owners or occupiers of the lands traversed by the said railway or for the said Company to lay down upon their own lands any collateral branches of railway to communicate with the said railway for the purpose of bringing carriages to or from or upon the said railway and the said Company shall if required at the expense of such owners or occupiers make openings in the rails and such additional lines of railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said railway and without inconvenience to the traffic thereupon and the said Company shall not take any rate or toll or other moneys for the passing of any passengers goods or other things along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions (that is to say)—

No such railway shall run parallel to the said railway the said Company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any incline plane exceeding one in fifty or bridge nor in any tunnel The persons making or using such branch railways shall be subject to all by-laws and regulations of the said Company from time to time made with respect to passing upon or crossing the said railway and otherwise and the

persons



*Australasia Coal Company.*

persons making or using such branch railways shall be bound to construct and from time to time as necessity may require to remove the off-set plates and switches according to the most approved plan adopted by the said Company under the direction of their engineer.

5. For the purposes and subject to the provisions hereinafter contained it shall be lawful for the said Company their deputies agents servants and workmen and all other persons by them authorized and empowered 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 said railway.

Power to divert or alter roads.

6. If the said Company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid they shall forfeit ten 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 trustees commissioners surveyor or other persons having the management of such road if a public road and shall be applied for the purposes thereof or in case of a private road the same shall be paid to the owner thereof and any such penalty shall be recoverable with costs by action in any competent Court.

Penalty for not substituting a road.

7. If in the course of making the said railway the said Company 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 said Company or as to the repair thereof by them such question shall be referred to the determination of two Justices and such Justices may direct such repairs to be made upon such road in respect of damage done by the said Company and within such period as they may deem reasonable and may impose on the said Company for not carrying into effect such directions any penalty not exceeding five pounds as to such trustees shall seem fit and any such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the said Company if a public road and be applied for the purposes of such road and if a private road the same shall be paid to the owner thereof Provided always that the said Justices shall have regard to and make full allowance for any tolls that may have been paid by the said Company on such road in the course of using the same.

Road repairs.

8. If the said line of railway cross any public highway or parish road then either such road shall be carried over the railway or the railway shall be carried over such road in either case by means of a bridge of the length and width and with the ascent or descent by this Act in that behalf hereinafter provided And such bridge with the immediate approaches and all other necessary works connected therewith shall be executed by and be at all times thereafter maintained at the expense of the said Company Provided that with the consent of the Governor with the advice of the Executive Council it shall be lawful for the said Company to carry the railway across any highway on the level.

Bridges to be constructed where railway crosses highway.

9. If the railway cross any public highway or parish road on a level the said Company shall erect and at all times maintain good and sufficient gates across such road on each side of the railway where the same shall communicate therewith and shall employ proper persons to open and shut such gates and such gates shall be kept constantly closed across such roads on both sides of the railway except during when horses cattle carts or carriages passing along the same shall have to cross such railway and such gates shall be of such dimensions and

Provisions in cases where roads are crossed on a level.



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and so constructed as when closed to fence in the railway and prevent cattle or horses passing along the road from entering upon the railway and the person entrusted with the care of such gates shall cause the same to be closed as soon as such horses cattle carts or carriages shall have passed through the same under a penalty of forty shillings for every default therein. Provided always that it shall be lawful for the Secretary for Public Works in any case to order that such gates shall be kept closed across the railway instead of across the road and in such case such gates shall be kept constantly closed across the railway except when engines or carriages or other vehicles passing along the railway shall have occasion to cross such road in the same manner and under the like penalties as above directed with respect to the gates being kept closed across the road.

Power to enter upon adjoining lands to repair accidents subject to certain restrictions.

10. In case of accidents or slips happening or being apprehended to the cuttings or embankments or other works of the said railway it shall be lawful for the said Company and their workmen and servants to enter upon the land adjoining thereto at any time whatsoever for the purpose of repairing or preventing such accidents and to do such works as may be necessary for the purpose. Provided always that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of and shall be executed with all possible dispatch and full compensation shall be made to the owner or occupier of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works the amount of which compensation in case of any dispute about the same shall be settled by arbitration in the manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said railway.

Construction of bridges over roads.

11. Every bridge to be erected for the purpose of carrying the railway over any road shall be built in conformity with the following regulations (that is to say)—

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty feet if the arch be over a public highway and of twenty feet if over a parish road and of twelve feet if over a private road.

The clear height of the arch from the surface of the road shall not be less than sixteen feet for the space of twelve feet if the arch be over a turnpike road and fifteen feet for the space of ten feet if over a public carriage road and in event of such cases the clear height at the springing of the arch shall not be less than twelve feet the clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private road.

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public highway one foot in twenty feet if over a parish road and one foot in sixteen feet if over a private road not being a tramroad or railroad or if the same be a tramroad or railroad the descent shall not be greater than the ruling gradient of such tramroad or railroad.

Construction of bridges over railroads

12. Every bridge erected for carrying any road over the railway shall be built in conformity with the following regulations (that is to say)—

There shall be a good and sufficient fence on each side of the bridge of not less than four feet and on each side of the immediate approaches of such bridge of not less than three feet. The road over the bridge shall have a clear space between



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between the fences thereof of thirty-five feet if the road be a public highway and twenty-five feet if a parish road and twelve feet if a private road. The ascent shall not be more than one foot in thirty feet if the road be a turnpike road one foot in twenty feet if a parish road and one foot in sixteen feet if a private road not being a tramroad or railroad or if the same be a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad.

13. Provided always that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may require to be altered or for which another road shall be substituted shall be steeper than the inclination hereinbefore required to be preserved by the said Company then the said Company may carry any such road over or under the railway or may construct such altered or substituted road at an inclination not steeper than the mesne inclination of the road so to be crossed or of the road so requiring to be altered or for which another road shall be substituted.

Existing inclination of roads crossed or diverted need not be improved.

14. The said Company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is say)—

Works for benefit of owners.

Such and so many gates bridges arches culverts and passages over

Gates bridges &c.

under or by the side of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed during the formation thereof. All sufficient posts rails hedges ditches mounds or other fences for separating the lands taken for the use of the railway from the adjoining lands not taken and protecting such lands from trespass or the cattle of the owners or occupiers thereof from straying thereon by reason of the railway together with all necessary gates made to open towards such adjoining lands and not towards the railway and all necessary stiles and sunk posts rails and other fences shall be made forthwith after the taking of any such lands if the owners thereof shall so require and the said other works as soon as conveniently may be.

Fences.

Also all necessary arches tunnels culverts drains or other passages either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to carry the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be and such works shall be made from time to time as the railway works proceed.

Drains.

Provided always that the said Company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

15. If any person omit to shut and fasten any gates set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands so soon as he and the carriage cattle or other animals under his care have passed through the same he shall forfeit for every such offence any sum not exceeding ten pounds.

Penalty on persons omitting to shut gates.

16. 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 virtue of this Act except only such parts thereof

Minerals not to pass.



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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.

Compensation claim.

17. If within twenty-eight days of the passing of this Act the said persons through whose lands the railway shall pass or any of them and the said Company shall not agree as to the amount of compensation other than that provided for by section thirty of this Act to be paid by them for the said lands belonging to the said parties or any of them or for any damage that may be sustained by them or him by reason of the execution of the works or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned (that is to say)—

Appointment of arbitrators.

Unless both parties concur in the appointment of a single arbitrator each party on the request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred and any appointment of an arbitrator shall be under the hand of such party and such appointment shall be delivered to the arbitrator or arbitrators and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other nor shall the death of either party operate as a revocation and if for the space of fourteen days after such dispute or other matter shall have arisen and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator then upon such failure it shall be lawful for the Attorney General for the time being of the said Colony on the application of the party who has himself appointed an arbitrator to appoint such arbitrator 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 case the award or determination of such single arbitrator shall be final and conclusive.

Vacancy of arbitrator to be supplied.

18. If before the matter so referred shall be determined any arbitrator appointed by either party shall die or become incapable or refuse or for fourteen days neglect to act as arbitrator the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed alone and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death refusal neglect or disability as aforesaid.

Appoin'tment of umpire

19. Where more than one arbitrator shall have been appointed such arbitrator shall before they enter upon the matters referred to them nominate and appoint by writing under their hands an umpire to decide any matters on which they shall differ or which shall be referred to them under the provisions of this Act and if such umpire shall die or refuse or for seven days neglect to act after being called upon so to do by the arbitrators or either of them they shall forthwith after such death refusal or neglect appoint another umpire in his place and the decision of every such umpire on the matters so referred to him shall be final.

Attorney General to appoint umpire.

20. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitrators neglect to appoint an umpire it shall be lawful for the Attorney General



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General for the time being on the application of either party to such arbitrators to appoint an umpire and the decision of such umpire on the matters on which the arbitrators differ shall or which shall be referred to him under this Act shall be final.

21. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable or shall refuse or for fourteen days neglect to act before he shall have made his award the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed. In case of death of single arbitrator the matter to commence *de novo*.

22. If when more than one arbitrator shall have been appointed and when neither of them shall die become incapable refuse or neglect to act as aforesaid such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators under their hands the matters referred to them shall be determined by the umpire to be appointed as aforesaid. If arbitrators fail to make their award within fourteen days the matter to go to the umpire.

23. The said arbitrator or arbitrators or his or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the questions in dispute and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose. Powers of arbitrators to call for books.

24. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall in the presence of a Justice of the Peace make and subscribe the following declaration (that is to say)— Arbitrator or umpire to make declaration.

I A.B. do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the "Australasia Coal Mining Company's Act of 1875."

Made and subscribed in the presence of

A.B.

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 misdemeanour.

25. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators and the costs of the arbitrators shall be borne by the parties in equal proportions unless the amount awarded shall be one-fourth less than the amount which shall have been offered by the said Company in which case the whole costs of the arbitrators and also the costs of and incident to the said arbitration shall be paid by the claimant. Costs of arbitration. Provided that if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court and the amount allowed by such officer shall be the amount of costs to be paid.

26. The arbitrator arbitrators or umpire shall deliver their or his award in writing to the said Company who shall retain the same and shall forthwith on demand at their own expense furnish a copy thereof to the other party and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose and the amount awarded shall be paid within sixty days after the publication of such award. Award to be delivered to the said Company.

27. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties. Submission made a rule of Court. Provided always that it shall in the first instance have been agreed by both parties that the submission to arbitration may be so made a rule of the Supreme Court.

28.



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Award not void through error in form.

28. 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.

Purchase money and compensation how to be estimated.

29. In estimating the purchase money or compensation to be paid by the said Company regard shall be had by the arbitrators not only to the value of the land to be taken by the said Company but also to the damage if any to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner or otherwise injuriously affecting such other lands by the exercise of the powers of this Act.

Compensation to be made for temporary occupation.

30. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such lands upon being required so to do to pay to the occupier of the said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands as the case may require a rent to be fixed by two Justices in case the parties differ and shall also within twelve months after such entry pay to such owners and occupiers or deposit in the Bank for the benefit of all parties interested as the case may require compensation for all permanent or other loss damage or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted including the full value of all clay stone gravel sand and other things taken from such lands.

Lands belonging to Commissioner for Railways not to be taken and Great Northern Railway not to be altered nor interfered with.

31. Nothing in this Act contained shall be deemed to authorize the Company to take or enter upon any lands belonging to the Commissioner for Railways or to alter or interfere with the Great Northern Railway or any of the works thereof further or otherwise than is necessary for making the junction and inter-communication between the Railways without the previous consent in writing in every instance of the Commissioner for Railways.

Commissioner may erect signals and appoint watchmen and switchmen.

32. The Commissioner shall from time to time erect such signals and conveniences incident to the junction either upon his own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at or near the junction.

Working of signals to be under regulation of Commissioner and expense to be paid by Company.

33. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the Commissioner for Railways and all the expenses connected with such junction and of erecting and maintaining all works in connection therewith and of employing watchmen switchmen and other persons and all incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any Court of competent jurisdiction.

"Government Railways Act of 1858" not altered or repealed. Interpretation clause.

34. Nothing herein contained shall alter repeal or otherwise affect the "Government Railways Act of 1858."

35. The following words in this Act shall have the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "Company" shall mean the Australasia Coal Mining Company (limited). The word "Railway" shall mean the railway hereby authorized to be constructed and in citing this Act it shall be sufficient to use the expression "The Australasia Coal Mining Company's Railway Act of 1875." The word "Justices" shall mean Justices of the Peace in and for the territory of New South Wales and where any matter shall be authorized



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authorized or required to be done by two Justices the expression "Two Justices" shall mean two Justices assembled and acting together in Petty Sessions and where under the provisions of this Act any notice shall require to be given to the owner of any land or where any act shall be authorized or required to be done with the consent of any such owner the word "Owner" shall be understood to mean any person or corporation who under the provisions of this Act would be able to sell land to the said Company.

## FIRST SCHEDULE.

The crossings of the Australasia Coal Mining Company's Railway with any other railway shall be protected by six signals two of which shall be placed at each of the crossings respectively and shall be called "Crossing Signals" the other four shall be called "Distance Signals" Each of the distance signals shall be fixed at about four hundred yards from the intersection of the lines of railway respectively.

Signals for each crossing  
viz. two crossing signals  
and four distance signals.

Twelve signals for the  
two crossings.

The crossing signals shall be thirty feet in height and have each two semaphore arms with lamps complete.

One of these signals shall be placed on the "down" side of the lines to be crossed respectively and on the eastern side of the Australasia Coal Mining Company's line The other shall be placed on the "up" side of the said lines to be crossed and on the western side of the Australasia Coal Mining Company's line.

The signals on the "down" side of the lines to be crossed shall be for the trains of the owners of the lines so crossed by the said railway and the signal on the "up" side shall be for the Australasia Coal Mining Company's trains.

## SECOND SCHEDULE.

The arms of the crossing signals shall never be lowered to "all right" but shall stand at "danger" except when lowered to "caution" to allow a train to pass through.

The engine-driver requiring to pass along any of the lines so crossed by the said railway shall give one long whistle and the engine-driver requiring to proceed along the Australasia Coal Company's line shall give two short whistles.

The distance signals shall always stand at "danger" except when the arm is lowered to "caution" to admit a train.

On the approach of a train from Newcastle on either of the lines so crossed by the said railway one long whistle shall be given and the signal-man if the line be clear shall lower the arm of the distance signal to "caution" and at the same time lower the arm of the crossing signal on the left side of the post also to "caution."

If a train approach the crossing from the pits of either of the said two lines to be crossed on one long whistle being given if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time also lower to "caution" the arm of the crossing signal on the left side of the post.

On the approach of a train from the direction of Newcastle on the Australasia Coal Company's line on two short whistles being given the signal-man if the line be clear shall lower the distance signal arm to "caution" at the same time lower the crossing signal arm on the left side of the post also to "caution."

If a train approach on the Australasia Coal Company's line from the pits (or in the "up" direction) two short whistles shall be given and if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time lower to "caution" the arm on the left side of the post of the crossing signal.

If the crossing be approached by night in any direction the "caution" signal shall be a green light and the train may proceed.

All trains approaching the crossing in any direction must be driven at such speed as will enable the driver to bring his train to a stand before passing the distance signal should the "danger" signal be exhibited.

After coming to a stand the train must be immediately drawn inside the distance signal so as to protect it from any train that may be following on the same line of rails.

The whole of the signals belonging to these crossings shall stand only at "danger" or "caution" The danger signal shall be the semaphore arm raised on the left side of the post at right angles thereto and at night a red light.

The caution signal by day shall be the semaphore arm lowered on the left side of the post to an angle of forty-five degrees and at night by a green light.

The



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*Australasia Coal Company.*

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The red light signal or the semaphore arm raised at right angles to the post shall denote that the line is not clear and that the train must be brought to a stand as rapidly as possible.

The green light signal or the semaphore arm lowered to an angle of forty-five degrees with the post shall denote that the train may proceed.

No train shall pass over the crossing at a greater speed than ten miles an hour.

The signal-men in charge of these crossings respectively will be held responsible for the proper working of all the signals in accordance with these regulations and any infringement of which by the engine driver or others shall be immediately reported by them to the managers of the respective Companies.

The four distance signals shall have one arm each and be worked by levers one to each signal fixed on the platform to the signal-box and the crossing signals shall have two arms each worked by stirrups one for each arm and lamp fixed alongside the levers for the distance signals so that the whole signal arrangements for each of these crossings will be entirely under the easy control of one man.

When night trains are running the lamps shall be lighted at sundown and the signal-men will be held responsible for the proper burning of the lights of all the signals.

After the passing of the last train the lights of the signals shall be immediately put out.

All the distance signals at each crossing shall have back lights white and green which can be seen from the signal-man's box and by these it can be known if the signal lights are burning properly the white back light shall denote that a green light is shown on the face of the lamp and the green back light that a red light is being exhibited on the face of the signal.

By the "up" trains shall be understood those running from the coal-pits to Newcastle or Port Waratah and by "down" trains shall be understood those running from Newcastle or Port Waratah to coal-pits.

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By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1875.



AUSTRALASIA COAL COMPANY'S BILL.

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*SCHEDULE of the Amendments referred to in Message of 23rd July, 1875.*

JOHN J. CALVERT,  
Clerk of the Parliaments.

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Page 4, clause 3. *Omit* clause 3 as printed *insert* new clause.  
Page 11, clause 36. *Omit* clause 36.

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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, 15 July, 1875. }*

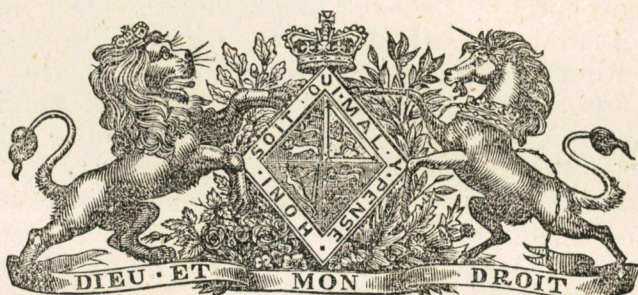
STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

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

*Legislative Council Chamber,  
Sydney, 23rd July, 1875. }*

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

## New South Wales.



ANNO TRICESIMO NONO

## VICTORIÆ REGINÆ.

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An Act to enable the "Australasia Coal Company Limited" to construct a Railway from certain Collieries near Newcastle to and to connect the same with the Great Northern Railway.

**W**HEREAS the "Australasia Coal Company Limited" being a <sup>Preamble.</sup> Company incorporated under the Act twenty-seventh Victoria number one hundred and ninety of the Colony of Victoria is possessed of or entitled to certain large tracts of land situate on Winding Creek in the 5 parish of Newcastle in the county of Northumberland in the Colony of New South Wales on which there are extensive fields of valuable coal And whereas the said Company in order to facilitate communication between the said lands and the Great Northern Railway is desirous of constructing certain railways that is to say a line of railway to 10 commence at the Great Northern Railway at a point about two and a half ( $2\frac{1}{2}$ ) miles distant from the Port of Newcastle and passing in a north-westerly and south-westerly direction through the two thousand acre grant of the Australian Agricultural Company thence south-westerly through thirty-nine acres and two hundred and seventy acres 15 respectively supposed to be leased by Messieurs Morehead and Young for coal mining purposes thence south-westerly through three hundred and ten acres supposed to be held under lease for coal mining purposes by Messieurs James Brown and Alexander Brown crossing the

309—A

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



*Australasia Coal Company.*

the old Hartley Vale Railway (not now in use) at a point about seventy-eight chains from the point of commencement of the said Australasia Coal Mining Company's proposed railway thence south-westerly through a one hundred and fifty-six acres of land held under  
 5 lease by the Waratah Coal Company and crossing the proposed railway of the said Company at a point about one hundred and seventeen chains from the point of commencement of the aforesaid Australasia Coal Company's proposed line of railway and thence continuing south-westerly through one hundred and twenty-nine acres of freehold land  
 10 the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in a south-westerly direction through six hundred and forty acres the property of  
 15 the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company at the eastern boundary thereof continuing thence south-westerly through the said  
 20 two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing south-westerly through eight hundred and fifty-one acres of the said  
 25 Australasia Coal Mining Company's land to the western boundary thereof And whereas the said coal is likely to prove beneficial to the Colony and the public are concerned in promoting such an increase in and facilities for the supply of coal for local consumption steam navigation and export as would result from the construction of the  
 30 said proposed railway and the traffic on the Great Northern Railway would be greatly increased thereby it is therefore desirable to authorize by Legislative enactment the construction of the said railway subject to the provisions hereinafter contained upon payment of compensation to the several parties through whose lands the same shall pass for such  
 35 portions of their respective lands as may be required to be occupied thereby 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:—

- 40 1. It shall be lawful for the Australasia Coal Mining Company to make construct and maintain the following railway that is to say a  
 line of railway to commence at the Great Northern Railway at a point  
 about two and a half miles distant from the port of Newcastle and  
 passing in a north-westerly and south-westerly direction through the  
 45 two thousand acre grant of the Australian Agricultural Company  
 thence south-westerly through thirty-nine acres and two hundred and  
 seventy acres respectively supposed to be leased by Messieurs  
 Morehead and Young for coal-mining purposes thence south-westerly  
 through three hundred and ten acres supposed to be held under lease  
 50 for coal-mining purposes by Messieurs James Brown and Alexander  
 Brown crossing the old Hartley Vale Railway (not now in use) at a  
 point about seventy-eight chains from the point of commencement of  
 the said Australasia Coal Mining Company's proposed railway thence  
 south-westerly through one hundred and fifty-six acres of land  
 55 held under lease by the Waratah Coal Company and crossing the  
 proposed railway of the said Company at a point about one hundred  
 and seventeen chains from the point of commencement of the aforesaid  
 Australasia Coal Mining Company's proposed line of railway thence  
 continuing south-westerly through one hundred and twenty-nine acres  
 of

Authority to con-  
 struct railways.



*Australasia Coal Company.*

of freehold land the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in  
 5 a south-westerly direction through six hundred and forty acres the property of the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company's land at  
 10 the eastern boundary thereof continuing thence south-westerly through the said two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing  
 15 south-westerly through eight hundred and fifty-one acres of the said Australasia Coal Mining Company's land to the western boundary thereof the entire length of the proposed line of railway from the Great Northern Railway being about six miles and of the width of one chain or sixty-six feet And for that purpose the said  
 20 Company shall subject to the provisions hereinafter contained have power to cross any existing lines of railway now upon the said proposed line of railway on the level in such manner as shall be approved by the Superintendent of Permanent-way and Works on the Great Northern Railway and the rails for such crossing shall be laid down  
 25 at the expense of the said Company under and subject to the approval of such superintendent and for that purpose to lay down such rails and execute such other works as shall be necessary for the purpose of such crossings Provided that the said Company shall before they shall be at liberty to cross the said railways respectively erect upon their  
 30 own land and at all times thereafter maintain a suitable station or lodge at the place where the said railways shall cross on the level and shall also erect and maintain all necessary signals that is to say the signals in the first Schedule hereto at each of the crossings referred to and the said Company shall employ and con-  
 35 stantly keep employed at their own expense at the said crossings fit and proper persons to attend to such signals and the persons so employed shall act under and in accordance with the regulations in the second Schedule hereto set forth No preference shall be given to the trains of any Company but the train first approaching a crossing  
 40 shall have the signals lowered to enable it to pass Provided also that it shall be lawful to deviate from the said line of railway as described as aforesaid at a distance of ten chains on either side thereof respectively but not to any greater distance without the previous sanction of Parliament.

45 2. Such lands as shall be taken under the provisions of this Act for the purposes of the said railway together with such rights of ingress egress and regress upon the adjacent lands as may be necessary for the working and repair thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the Australasia Coal  
 50 Mining Company Provided that nothing herein contained shall prevent the owners of the lands to be appropriated for the purposes of such railway from carrying on any mining operations beneath the said railway which shall not interfere with the safety of the said railway and the traffic thereon and that the said Australasia Coal  
 55 Mining Company shall have no further right to the soil of the lands beneath the surface than shall be requisite for the formation and repair of the said railway and for cutting and banking or otherwise Provided also that if in the exercise of the powers hereby granted it be found necessary to cut through raise such or use any part of any  
 60 road whether carriage road or horse road so as to render it impossible  
 for

Site of railway shall be vested in the Company without conveyance.



*Australasia Coal Company.*

for or dangerous or inconvenient to the persons entitled to the use thereof the said Australasia Coal Mining Company shall before the commencement of any such operation cause a sufficient road to be made instead of any such road interfered with and shall at the expense  
 5 of the said Company maintain such substituted road in a state as convenient as the road interfered with or as nearly as may be and the said Company before they use the said lands through which the said proposed line of railway is intended to pass shall if required so to do  
 10 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such lands and shall also to all private roads used by the said Company as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads And in case of any difference  
 15 between the owners or occupiers of such roads and land and the said Australasia Coal Mining Company as to necessity of such fences and gates such fences and gates shall be put up by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

20 3. The Company's locomotives shall be open to public use upon payment of a toll to the promoters of twopence per ton per mile the party seeking transit supplying and loading his own trucks or waggon and all trucks when emptied shall be conveyed on their return free of cost And if the Company do not employ their own locomotives the  
 25 line shall be open to the public upon payment of a toll to the Company of one penny and a half-penny per ton per mile and the Company shall at all reasonable times provide haulage.

3. The said railway shall at all times when not in actual use by the Company be open to the public upon payment of one penny and  
 30 one half-penny per ton per mile for every transit the person seeking transit to supply steam locomotive power trucks waggon et cetera 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  
 35 case the Company shall supply the locomotive power to persons seeking transit and shall be entitled to charge the sum of two-pence per ton per mile for every transit Provided that if the said railway shall be damaged in any way by parties using the same the Company shall be entitled to compensation for such damage to be recovered in the Supreme or  
 40 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.

4. And be it enacted that it shall be lawful for the owners or  
 45 occupiers of the lands traversed by the said railway or for the said Company to lay down upon their own lands any collateral branches of railway to communicate with the said railway for the purpose of bringing carriages to or from or upon the said railway and the said Company shall if required at the expense of such owners or occupiers  
 50 make openings in the rails and such additional lines of railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said railway and without inconvenience to the traffic thereupon and the said Company shall not take any rate or toll or  
 55 other moneys for the passing of any passengers goods or other things along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions (that is to say)—

No



*Australasia Coal Company.*

No such railway shall run parallel to the said railway the said Company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any incline plane exceeding one in fifty or bridge nor in any tunnel The persons making or using such branch railways shall be subject to all by-laws and regulations of the said Company from time to time made with respect to passing upon or crossing the said railway and otherwise and the persons making or using such branch railways shall be bound to construct and from time to time as necessity may require to remove the off-set plates and switches according to the most approved plan adopted by the said Company under the direction of their engineer.

5. For the purposes and subject to the provisions hereinafter contained it shall be lawful for the said Company their deputies agents servants and workmen and all other persons by them authorized and empowered 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 said railway.

Power to divert or alter roads.

6. If the said Company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid they shall forfeit ten 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 trustees commissioners surveyor or other persons having the management of such road if a public road and shall be applied for the purposes thereof or in case of a private road the same shall be paid to the owner thereof and any such penalty shall be recoverable with costs by action in any competent Court.

Penalty for not substituting a road.

7. If in the course of making the said railway the said Company 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 said Company or as to the repair thereof by them such question shall be referred to the determination of two Justices and such Justices may direct such repairs to be made upon such road in respect of damage done by the said Company and within such period as they may deem reasonable and may impose on the said Company for not carrying into effect such directions any penalty not exceeding five pounds as to such trustees shall seem fit and any such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the said Company if a public road and be applied for the purposes of such road and if a private road the same shall be paid to the owner thereof Provided always that the said Justices shall have regard to and make full allowance for any tolls that may have been paid by the said Company on such road in the course of using the same.

Road repairs.

8. If the said line of railway cross any public highway or parish road then either such road shall be carried over the railway or the railway shall be carried over such road in either case by means of a bridge of the length and width and with the ascent or descent by this Act in that behalf hereinafter provided And such bridge with the immediate approaches and all other necessary works connected therewith shall be executed by and be at all times thereafter maintained at the expense of the said Company Provided that with the consent of the Governor with the advice of the Executive Council it shall be lawful for the said Company to carry the railway across any highway on the level.

Bridges to be constructed where railway crosses highway.



*Australasia Coal Company.*

9. If the railway cross any public highway or parish road on a level the said Company shall erect and at all times maintain good and sufficient gates across such road on each side of the railway where the same shall communicate therewith and shall employ proper persons to open and shut such gates and such gates shall be kept constantly closed across such roads on both sides of the railway except during when horses cattle carts or carriages passing along the same shall have to cross such railway and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along the road from entering upon the railway and the person entrusted with the care of such gates shall cause the same to be closed as soon as such horses cattle carts or carriages shall have passed through the same under a penalty of forty shillings for every default therein. Provided always that it shall be lawful for the Secretary for Public Works in any case to order that such gates shall be kept closed across the railway instead of across the road and in such case such gates shall be kept constantly closed across the railway except when engines or carriages or other vehicles passing along the railway shall have occasion to cross such road in the same manner and under the like penalties as above directed with respect to the gates being kept closed across the road.

Provisions in cases where roads are crossed on a level.

10. In case of accidents or slips happening or being apprehended to the cuttings or embankments or other works of the said railway it shall be lawful for the said Company and their workmen and servants to enter upon the land adjoining thereto at any time whatsoever for the purpose of repairing or preventing such accidents and to do such works as may be necessary for the purpose. Provided always that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of and shall be executed with all possible dispatch and full compensation shall be made to the owner or occupier of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works the amount of which compensation in case of any dispute about the same shall be settled by arbitration in the manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said railway.

Power to enter upon adjoining lands to repair accidents subject to certain restrictions.

11. Every bridge to be erected for the purpose of carrying the railway over any road shall be built in conformity with the following regulations (that is to say)—

Construction of bridges over roads.

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty feet if the arch be over a public highway and of twenty feet if over a parish road and of twelve feet if over a private road.

The clear height of the arch from the surface of the road shall not be less than sixteen feet for the space of twelve feet if the arch be over a turnpike road and fifteen feet for the space of ten feet if over a public carriage road and in event of such cases the clear height at the springing of the arch shall not be less than twelve feet the clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private road.

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public highway one foot in twenty feet if over a parish road and one foot in sixteen feet if over a private road not being a tramroad or railroad or if the same be a tramroad or railroad the descent shall not be greater than the ruling gradient of such tramroad or railroad.



*Australasia Coal Company.*

12. Every bridge erected for carrying any road over the railway shall be built in conformity with the following regulations (that is to say)—  
Construction of bridges over railroads.

5 There shall be a good and sufficient fence on each side of the bridge of not less than four feet and on each side of the immediate approaches of such bridge of not less than three feet. The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a public highway and twenty-five feet if a parish road and  
 10 twelve feet if a private road. The ascent shall not be more than one foot in thirty feet if the road be a turnpike road one foot in twenty feet if a parish road and one foot in sixteen feet if a private road not being a tramroad or railroad or if the same be a tramroad or railroad the ascent shall not be greater than  
 15 the ruling gradient of such tramroad or railroad.

13. Provided always that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may require to be altered or for which another road shall be substituted shall be steeper  
 20 than the inclination hereinbefore required to be preserved by the said Company then the said Company may carry any such road over or under the railway or may construct such altered or substituted road at an inclination not steeper than the mesne inclination of the road so to be crossed or of the road so requiring to be altered or for which  
 25 another road shall be substituted.  
Existing inclination of roads crossed or diverted need not be improved.

14. The said Company shall make and at all times thereafter maintain the following works for the accommodation of the owners  
 and occupiers of lands adjoining the railway (that is say)—  
Works for benefit of owners.

Such and so many gates bridges arches culverts and passages over  
 30 under or by the side of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made and such works shall be made forthwith after the part of the railway passing  
 35 over such lands shall have been laid out or formed during the formation thereof. All sufficient posts rails hedges ditches mounds or other fences for separating the lands taken for the use of the railway from the adjoining lands not taken and protecting such lands from trespass or the cattle of the  
 40 owners or occupiers thereof from straying thereon by reason of the railway together with all necessary gates made to open towards such adjoining lands and not towards the railway and all necessary stiles and sunk posts rails and other fences shall be made forthwith after the taking of any such lands if  
 45 the owners thereof shall so require and the said other works as soon as conveniently may be  
Gates bridges &c.

Also all necessary arches tunnels culverts drains or other passages  
 50 either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to carry the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be and such works shall be made from time to time as the railway works proceed  
Drains.

Provided always that the said Company shall not be required to make  
 55 such accommodation works in such a manner as would prevent or obstruct the working or using of the railway nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.



*Australasia Coal Company.*

15. If any person omit to shut and fasten any gates set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands so soon as he and the carriage cattle or other animals under his care have passed through the same he shall  
 5 forfeit for every such offence any sum not exceeding ten pounds.

Penalty on persons  
omitting to shut  
gates.

16. 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 virtue of 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  
 10 deemed to vest in the said Company.

Minerals not to pass.

17. If within twenty-eight days of the passing of this Act the said persons through whose lands the railway shall pass or any of them and the said Company shall not agree as to the amount of compensation other than that provided for by section thirty of this Act to  
 15 be paid by them for the said lands belonging to the said parties or any of them or for any damage that may be sustained by them or him by reason of the execution of the works or if any other question as to compensation shall arise under this Act the amount of such  
 20 compensation shall be settled by arbitrators in manner hereinafter mentioned (that is to say)—

Compensation claim.

Unless both parties concur in the appointment of a single arbitrator each party on the request of the other shall  
 25 nominate and appoint an arbitrator to whom such dispute or other matter shall be referred and any appointment of an arbitrator shall be under the hand of such party and such appointment shall be delivered to the arbitrator or arbitrators and shall be deemed a submission to arbitration on the part  
 30 of the party by whom the same shall be made and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other nor shall the death of either party operate as a revocation and if for the space of fourteen days after such dispute  
 35 or other matter shall have arisen and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator then upon such failure it shall be lawful for the Attorney General for the time being of the  
 40 said Colony on the application of the party who has himself appointed an arbitrator to appoint such arbitrator 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 case the award or determination of such single  
 45 arbitrator shall be final and conclusive.

Appointment of  
arbitrators.

18. If before the matter so referred shall be determined any arbitrator appointed by either party shall die or become incapable or  
 refuse or for fourteen days neglect to act as arbitrator the party by  
 whom such arbitrator was appointed may nominate and appoint in  
 writing some other person to act in his place and if for the space of  
 50 seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed alone and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death refusal neglect or disability as aforesaid.

Vacancy of arbitrator  
to be supplied.

19. Where more than one arbitrator shall have been appointed such arbitrator shall before they enter upon the matters referred to  
 them nominate and appoint by writing under their hands an umpire to  
 decide any matters on which they shall differ or which shall be referred  
 to them under the provisions of this Act and if such umpire shall die  
 or

Appointment of  
umpire.



*Australasia Coal Company.*

or refuse or for seven days neglect to act after being called upon so to do by the arbitrators or either of them they shall forthwith after such death refusal or neglect appoint another umpire in his place and the decision of every such umpire on the matters so referred to him shall be final.

20. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitrators neglect to appoint an umpire it shall be lawful for the Attorney General for the time being on the application of either party to such arbitrators to appoint an umpire and the decision of such umpire on the matters on which the arbitrators differ shall or which shall be referred to him under this Act shall be final.

21. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable or shall refuse or for fourteen days neglect to act before he shall have made his award the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

22. If when more than one arbitrator shall have been appointed and when neither of them shall die become incapable refuse or neglect to act as aforesaid such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators under their hands the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

23. The said arbitrator or arbitrators or his or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the questions in dispute and may examine the parties or their witnesses on oath and administer the oaths necessary for that purpose.

24. Before any arbitrator or umpire shall enter upon the consideration of any matter 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 will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the "Australasia Coal Mining Company's Act of 1875."

Made and subscribed in the presence of

A.B.

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 misdemeanour.

25. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators and the costs of the arbitrators shall be borne by the parties in equal proportions unless the amount awarded shall be one-fourth less than the amount which shall have been offered by the said Company in which case the whole costs of the arbitrators and also the costs of and incident to the said arbitration shall be paid by the claimant. Provided that if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court and the amount allowed by such officer shall be the amount of costs to be paid.

26. The arbitrator arbitrators or umpire shall deliver their or his award in writing to the said Company who shall retain the same and shall forthwith on demand at their own expense furnish a copy thereof



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thereof to the other party and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose and the amount awarded shall be paid within sixty days after the publication of such  
5 award.

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

28. 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. Award not void through error in form.

29. In estimating the purchase money or compensation to be  
15 paid by the said Company regard shall be had by the arbitrators not only to the value of the land to be taken by the said Company but also to the damage if any to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner or otherwise injuriously affecting such other lands by the  
20 exercise of the powers of this Act. Purchase money and compensation how to be estimated.

30. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such  
25 lands upon being required so to do to pay to the occupier of the said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of  
30 the lands as the case may require a rent to be fixed by two Justices in case the parties differ and shall also within twelve months after such entry pay to such owners and occupiers or deposit in the Bank for the benefit of all parties interested as the case may require compensation for all permanent or other loss damage or injury that may  
35 have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted including the full value of all clay stone gravel sand and other things taken from such lands. Compensation to be made for temporary occupation.

31. Nothing in this Act contained shall be deemed to authorize the Company to take or enter upon any lands belonging to the Com-  
40 missioner for Railways or to alter or interfere with the Great Northern Railway or any of the works thereof further or otherwise than is necessary for making the junction and inter-communication between the Railways without the previous consent in writing in every instance of the Commissioner for Railways. Lands belonging to Commissioner for Railways not to be taken and Great Northern Railway not to be altered nor interfered with.

32. The Commissioner shall from time to time erect such  
45 signals and conveniences incident to the junction either upon his own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with  
50 the traffic at or near the junction. Commissioner may erect signals and appoint watchmen and switchmen.

33. The working and management of such signals and con-  
55 veniences wherever situate shall be under the exclusive regulation of the Commissioner for Railways and all the expenses connected with such junction and of erecting and maintaining all works in connection therewith and of employing watchmen switchmen and other persons and all incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any Court of competent jurisdiction. Working of signals to be under regulation of Commissioner and expense to be paid by Company.

34. Nothing herein contained shall alter repeal or otherwise  
60 affect the "Government Railways Act of 1858." "Government Railways Act of 1858" not altered or repealed.



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35. The following words in this Act shall have the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "Company" shall mean the Australasia Coal Mining Company (limited). The word  
 5 "Railway" shall mean the railway hereby authorized to be constructed and in citing this Act it shall be sufficient to use the expression "The Australasia Coal Mining Company's Railway Act of 1875". The word "Justices" shall mean Justices of the Peace in and for the territory of New South Wales and where any matter shall be  
 10 authorized or required to be done by two Justices the expression "Two Justices" shall mean two Justices assembled and acting together in Petty Sessions and where under the provisions of this Act any notice shall require to be given to the owner of any land or where any act shall be authorized or required to be done with the consent of any such  
 15 owner the word "Owner" shall be understood to mean any person or corporation who under the provisions of this Act would be able to sell land to the said Company.

Interpretation clause.

36. This Act shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such by the Judges of the Supreme  
 20 Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales without being specially pleaded.

Act to be deemed a Public Act.

## FIRST SCHEDULE.

The crossings of the Australasia Coal Mining Company's Railway with any other railway shall be protected by six signals two of which shall be placed at each of the  
 25 crossings respectively and shall be called "Crossing Signals" the other four shall be called "Distance Signals". Each of the distance signals shall be fixed at about four hundred yards from the intersection of the lines of railway respectively.

The crossing signals shall be thirty feet in height and have each two semaphore arms with lamps complete.

30 One of these signals shall be placed on the "down" side of the lines to be crossed respectively and on the eastern side of the Australasia Coal Mining Company's line. The other shall be placed on the "up" side of the said lines to be crossed and on the western side of the Australasia Coal Mining Company's line.

The signals on the "down" side of the lines to be crossed shall be for the trains of  
 35 the owners of the lines so crossed by the said railway and the signal on the "up" side shall be for the Australasia Coal Mining Company's trains.

## SECOND SCHEDULE.

The arms of the crossing signals shall never be lowered to "all right" but shall stand at "danger" except when lowered to "caution" to allow a train to pass through.  
 40 The engine-driver requiring to pass along any of the lines so crossed by the said railway shall give one long whistle and the engine-driver requiring to proceed along the Australasia Coal Company's line shall give two short whistles.

Signals for each crossing viz. two crossing signals and four distance signals.

The distance signals shall always stand at "danger" except when the arm is lowered to "caution" to admit a train.  
 45 On the approach of a train from Newcastle on either of the lines so crossed by the said railway one long whistle shall be given and the signal-man if the line be clear shall lower the arm of the distance signal to "caution" and at the same time lower the arm of the crossing signal on the left side of the post also to "caution."

If a train approach the crossing from the pits of either of the said two lines to  
 50 be crossed on one long whistle being given if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time also lower to "caution" the arm of the crossing signal on the left side of the post.

Twelve signals for the two crossings.

On the approach of a train from the direction of Newcastle on the Australasia Coal Company's line on two short whistles being given the signal-man if the line be clear  
 55 shall lower the distance signal arm to "caution" at the same time lower the crossing signal arm on the left side of the post also to "caution."

If



*Australasia Coal Company.*

If a train approach on the Australasia Coal Company's line from the pits (or in the "up" direction) two short whistles shall be given and if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time lower to "caution" the arm on the left side of the post of the crossing signal.

- 5 If the crossing be approached by night in any direction the "caution" signal shall be a green light and the train may proceed.

All trains approaching the crossing in any direction must be driven at such speed as will enable the driver to bring his train to a stand before passing the distance signal should the "danger" signal be exhibited.

- 10 After coming to a stand the train must be immediately drawn inside the distance signal so as to protect it from any train that may be following on the same line of rails.

The whole of the signals belonging to these crossings shall stand only at "danger" or "caution" The danger signal shall be the semaphore arm raised on the left side of the post at right angles thereto and at night a red light.

- 15 The caution signal by day shall be the semaphore arm lowered on the left side of the post to an angle of forty-five degrees and at night by a green light.

The red light signal or the semaphore arm raised at right angles to the post shall denote that the line is not clear and that the train must be brought to a stand as rapidly as possible.

- 20 The green light signal or the semaphore arm lowered to an angle of forty-five degrees with the post shall denote that the train may proceed.

No train shall pass over the crossing at a greater speed than ten miles an hour.

- 25 The signal-men in charge of these crossings respectively will be held responsible for the proper working of all the signals in accordance with these regulations and any infringement of which by the engine driver or others shall be immediately reported by them to the managers of the respective Companies.

- 30 The four distance signals shall have one arm each and be worked by levers one to each signal fixed on the platform to the signal-box and the crossing signals shall have two arms each worked by stirrups one for each arm and lamp fixed alongside the levers for the distance signals so that the whole signal arrangements for each of these crossings will be entirely under the easy control of one man.

When night trains are running the lamps shall be lighted at sundown and the signal-men will be held responsible for the proper burning of the lights of all the signals.

- 35 After the passing of the last train the lights of the signals shall be immediately put out.

- 40 All the distance signals at each crossing shall have back lights white and green which can be seen from the signal-man's box and by these it can be known if the signal lights are burning properly the white back light shall denote that a green light is shown on the face of the lamp and the green back light that a red light is being exhibited on the face of the signal.

By the "up" trains shall be understood those running from the coal-pits to Newcastle or Port Waratah and by "down" trains shall be understood those running from Newcastle or Port Waratah to coal-pits.

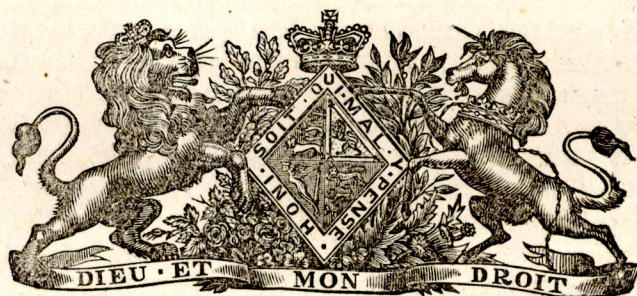


*This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 15 July, 1875. }*

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

## New South Wales.



ANNO TRICESIMO NONO

## VICTORIÆ REGINÆ.

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An Act to enable the "Australasia Coal Company Limited" to construct a Railway from certain Collieries near Newcastle to and to connect the same with the Great Northern Railway.

**W**HEREAS the "Australasia Coal Company Limited" being a Preamble.  
Company incorporated under the Act twenty-seventh Victoria  
number one hundred and ninety of the Colony of Victoria is possessed of  
or entitled to certain large tracts of land situate on Winding Creek in the  
5 parish of Newcastle in the county of Northumberland in the Colony of  
New South Wales on which there are extensive fields of valuable coal  
And whereas the said Company in order to facilitate communication  
between the said lands and the Great Northern Railway is desirous of  
constructing certain railways that is to say a line of railway to  
10 commence at the Great Northern Railway at a point about two and a  
half ( $2\frac{1}{2}$ ) miles distant from the Port of Newcastle and passing in a  
north-westerly and south-westerly direction through the two thousand  
acre grant of the Australian Agricultural Company thence south-  
westerly through thirty-nine acres and two hundred and seventy acres  
15 respectively supposed to be leased by Messieurs Morehead and Young  
for coal mining purposes thence south-westerly through three hundred  
and ten acres supposed to be held under lease for coal mining  
purposes by Messieurs James Brown and Alexander Brown crossing  
the



*Australasia Coal Company.*

the old Hartley Vale Railway (not now in use) at a point about seventy-eight chains from the point of commencement of the said Australasia Coal Mining Company's proposed railway thence south-westerly through a one hundred and fifty-six acres of land held under  
 5 lease by the Waratah Coal Company and crossing the proposed railway of the said Company at a point about one hundred and seventeen chains from the point of commencement of the aforesaid Australasia Coal Company's proposed line of railway and thence continuing south-westerly through one hundred and twenty-nine acres of freehold land  
 10 the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in a south-westerly direction through six hundred and forty acres the property of  
 15 the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company at the eastern boundary thereof continuing thence south-westerly through the said  
 20 two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing south-westerly through eight hundred and fifty-one acres of the said  
 25 Australasia Coal Mining Company's land to the western boundary thereof And whereas the said coal is likely to prove beneficial to the Colony and the public are concerned in promoting such an increase in and facilities for the supply of coal for local consumption steam navigation and export as would result from the construction of the  
 30 said proposed railway and the traffic on the Great Northern Railway would be greatly increased thereby it is therefore desirable to authorize by Legislative enactment the construction of the said railway subject to the provisions hereinafter contained upon payment of compensation to the several parties through whose lands the same shall pass for such  
 35 portions of their respective lands as may be required to be occupied thereby 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:—

- 40 1. It shall be lawful for the Australasia Coal Mining Company to make construct and maintain the following railway that is to say a line of railway to commence at the Great Northern Railway at a point about two and a half miles distant from the port of Newcastle and passing in a north-westerly and south-westerly direction through the  
 45 two thousand acre grant of the Australian Agricultural Company thence south-westerly through thirty-nine acres and two hundred and seventy acres respectively supposed to be leased by Messieurs Morehead and Young for coal-mining purposes thence south-westerly through three hundred and ten acres supposed to be held under lease  
 50 for coal-mining purposes by Messieurs James Brown and Alexander Brown crossing the old Hartley Vale Railway (not now in use) at a point about seventy-eight chains from the point of commencement of the said Australasia Coal Mining Company's proposed railway thence south-westerly through one hundred and fifty-six acres of land  
 55 held under lease by the Waratah Coal Company and crossing the proposed railway of the said Company at a point about one hundred and seventeen chains from the point of commencement of the aforesaid Australasia Coal Mining Company's proposed line of railway thence continuing south-westerly through one hundred and twenty-nine acres  
 of

Authority to construct railways.



*Australasia Coal Company.*

of freehold land the property of the said Waratah Coal Company thence south-westerly through eighty-four acres also leased by the Waratah Coal Company thence south-westerly through six hundred and forty acres the property of Messieurs James Brown and Alexander Brown thence in  
 5 a south-westerly direction through six hundred and forty acres the property of the Lambton or Scottish Australian Company thence south-westerly through two thousand six hundred and sixty acres the property of the Waratah Coal Company entering the two hundred and three acre block of land of the said Australasia Coal Mining Company's land at  
 10 the eastern boundary thereof continuing thence south-westerly through the said two hundred and three acres to the south-west corner of the same thence south-westerly through forty acres known as Morley's land thence south-westerly through forty acres the freehold land of the said Australasia Coal Mining Company thence continuing  
 15 south-westerly through eight hundred and fifty-one acres of the said Australasia Coal Mining Company's land to the western boundary thereof the entire length of the proposed line of railway from the Great Northern Railway being about six miles and of the width of one chain or sixty-six feet And for that purpose the said  
 20 Company shall subject to the provisions hereinafter contained have power to cross any existing lines of railway now upon the said proposed line of railway on the level in such manner as shall be approved by the Superintendent of Permanent-way and Works on the Great Northern Railway and the rails for such crossing shall be laid down  
 25 at the expense of the said Company under and subject to the approval of such superintendent and for that purpose to lay down such rails and execute such other works as shall be necessary for the purpose of such crossings Provided that the said Company shall before they shall be at liberty to cross the said railways respectively erect upon their  
 30 own land and at all times thereafter maintain a suitable station or lodge at the place where the said railways shall cross on the level and shall also erect and maintain all necessary signals that is to say the signals in the first Schedule hereto at each of the crossings referred to and the said Company shall employ and con-  
 35 stantly keep employed at their own expense at the said crossings fit and proper persons to attend to such signals and the persons so employed shall act under and in accordance with the regulations in the second Schedule hereto set forth No preference shall be given to the trains of any Company but the train first approaching a crossing  
 40 shall have the signals lowered to enable it to pass Provided also that it shall be lawful to deviate from the said line of railway as described as aforesaid at a distance of ten chains on either side thereof respectively but not to any greater distance without the previous sanction of Parliament.

45 2. Such lands as shall be taken under the provisions of this Act for the purposes of the said railway together with such rights of ingress egress and regress upon the adjacent lands as may be necessary for the working and repair thereof shall be vested by virtue of this Act and without the necessity of any conveyance in the Australasia Coal  
 50 Mining Company Provided that nothing herein contained shall prevent the owners of the lands to be appropriated for the purposes of such railway from carrying on any mining operations beneath the said railway which shall not interfere with the safety of the said railway and the traffic thereon and that the said Australasia Coal  
 55 Mining Company shall have no further right to the soil of the lands beneath the surface than shall be requisite for the formation and repair of the said railway and for cutting and banking or otherwise Provided also that if in the exercise of the powers hereby granted it be found necessary to cut through raise such or use any part of any  
 60 road whether carriage road or horse road so as to render it impossible for

Site of railway shall be vested in the Company without conveyance.



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for or dangerous or inconvenient to the persons entitled to the use thereof the said Australasia Coal Mining Company shall before the commencement of any such operation cause a sufficient road to be made instead of any such road interfered with and shall at the expense  
 5 of the said Company maintain such substituted road in a state as convenient as the road interfered with or as nearly as may be and the said Company before they use the said lands through which the said proposed line of railway is intended to pass shall if required so to do  
 10 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such lands and shall also to all private roads used by the said Company as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or  
 15 upon the lands traversed by such roads And in case of any difference between the owners or occupiers of such roads and land and the said Australasia Coal Mining Company as to necessity of such fences and gates such fences and gates shall be put up by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

20 3. The Company's locomotives shall be open to public use upon payment of a toll to the promoters of twopence per ton per mile the party seeking transit supplying and loading his own trucks or waggons and all trucks when emptied shall be conveyed on their return free of cost And if the Company do not employ their own locomotives the  
 25 line shall be open to the public upon payment of a toll to the Company of one penny and a half-penny per ton per mile and the Company shall at all reasonable times provide haulage.

4. And be it enacted that it shall be lawful for the owners or occupiers of the lands traversed by the said railway or for the said  
 30 Company to lay down upon their own lands any collateral branches of railway to communicate with the said railway for the purpose of bringing carriages to or from or upon the said railway and the said Company shall if required at the expense of such owners or occupiers make openings in the rails and such additional lines of railway as  
 35 may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said railway and without inconvenience to the traffic thereupon and the said Company shall not take any rate or toll or other moneys for the passing of any passengers goods or other things  
 40 along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions (that is to say)—

No such railway shall run parallel to the said railway the said Company shall not be bound to make any such openings in  
 45 any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any incline plane exceeding one in fifty or bridge nor in any tunnel The persons making or using such branch railways shall be subject to all by-laws and regulations of the  
 50 said Company from time to time made with respect to passing upon or crossing the said railway and otherwise and the persons making or using such branch railways shall be bound to construct and from time to time as necessity may require to remove the off-set plates and switches according to the  
 55 most approved plan adopted by the said Company under the direction of their engineer.

5. For the purposes and subject to the provisions hereinafter contained it shall be lawful for the said Company their deputies agents servants and workmen and all other persons by them authorized and  
 60 empowered to divert or alter the course of any road or way crossing the

Railway open to public.

Branch railways.

Power to divert or alter roads.



*Australasia Coal Company.*

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 said railway.

6. If the said Company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid they shall forfeit ten 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 trustees commissioners surveyor or other persons having the management of such road if a public road and shall be applied for the purposes thereof or in case of a private road the same shall be paid to the owner thereof and any such penalty shall be recoverable with costs by action in any competent Court.

Penalty for not substituting a road.

7. If in the course of making the said railway the said Company 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 said Company or as to the repair thereof by them such question shall be referred to the determination of two Justices and such Justices may direct such repairs to be made upon such road in respect of damage done by the said Company and within such period as they may deem reasonable and may impose on the said Company for not carrying into effect such directions any penalty not exceeding five pounds as to such trustees shall seem fit and any such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the said Company if a public road and be applied for the purposes of such road and if a private road the same shall be paid to the owner thereof. Provided always that the said Justices shall have regard to and make full allowance for any tolls that may have been paid by the said Company on such road in the course of using the same.

Road repairs.

8. If the said line of railway cross any public highway or parish road then either such road shall be carried over the railway or the railway shall be carried over such road in either case by means of a bridge of the length and width and with the ascent or descent by this Act in that behalf hereinafter provided. And such bridge with the immediate approaches and all other necessary works connected therewith shall be executed by and be at all times thereafter maintained at the expense of the said Company. Provided that with the consent of the Governor with the advice of the Executive Council it shall be lawful for the said Company to carry the railway across any highway on the level.

Bridges to be constructed where railway crosses highway.

9. If the railway cross any public highway or parish road on a level the said Company shall erect and at all times maintain good and sufficient gates across such road on each side of the railway where the same shall communicate therewith and shall employ proper persons to open and shut such gates and such gates shall be kept constantly closed across such roads on both sides of the railway except during when horses cattle carts or carriages passing along the same shall have to cross such railway and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along the road from entering upon the railway and the person entrusted with the care of such gates shall cause the same to be closed as soon as such horses cattle carts or carriages shall have passed through the same under a penalty of forty shillings for every default therein. Provided always that it shall be lawful for the Secretary for Public Works in any case to order that such gates shall be kept closed across the railway instead of across the road and in such case such gates shall be kept constantly closed across the railway except when engines or carriages or other vehicles passing along the railway

Provisions in cases where roads are crossed on a level.



*Australasia Coal Company.*

railway shall have occasion to cross such road in the same manner and under the like penalties as above directed with respect to the gates being kept closed across the road.

10. In case of accidents or slips happening or being apprehended to the cuttings or embankments or other works of the said railway it shall be lawful for the said Company and their workmen and servants to enter upon the land adjoining thereto at any time whatsoever for the purpose of repairing or preventing such accidents and to do such works as may be necessary for the purpose. Provided always that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of and shall be executed with all possible dispatch and full compensation shall be made to the owner or occupier of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works the amount of which compensation in case of any dispute about the same shall be settled by arbitration in the manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said railway.

Power to enter upon adjoining lands to repair accidents subject to certain restrictions.

11. Every bridge to be erected for the purpose of carrying the railway over any road shall be built in conformity with the following regulations (that is to say)—

Construction of bridges over roads.

25 The width of the arch shall be such as to leave thereunder a clear space of not less than thirty feet if the arch be over a public highway and of twenty feet if over a parish road and of twelve feet if over a private road.

30 The clear height of the arch from the surface of the road shall not be less than sixteen feet for the space of twelve feet if the arch be over a turnpike road and fifteen feet for the space of ten feet if over a public carriage road and in event of such cases the clear height at the springing of the arch shall not be less than twelve feet the clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private road.

35 The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public highway one foot in twenty feet if over a parish road and one foot in sixteen feet if over a private road not being a tramroad or railroad or if the same be a tramroad or railroad the descent shall not be greater than the ruling gradient of such tramroad or railroad.

40 12. Every bridge erected for carrying any road over the railway shall be built in conformity with the following regulations (that is to say)—

Construction of bridges over railroads.

45 There shall be a good and sufficient fence on each side of the bridge of not less than four feet and on each side of the immediate approaches of such bridge of not less than three feet. The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a public highway and twenty-five feet if a parish road and twelve feet if a private road. The ascent shall not be more than one foot in thirty feet if the road be a turnpike road one foot in twenty feet if a parish road and one foot in sixteen feet if a private road not being a tramroad or railroad or if the same be a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad.

50 13. Provided always that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may require to be

Existing inclination of roads crossed or diverted need not be improved.

be



*Australasia Coal Company.*

be altered or for which another road shall be substituted shall be steeper than the inclination hereinbefore required to be preserved by the said Company then the said Company may carry any such road over or under the railway or may construct such altered or substituted road at an inclination not steeper than the mesne inclination of the road so to be crossed or of the road so requiring to be altered or for which another road shall be substituted.

14. The said Company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is say)—

Such and so many gates bridges arches culverts and passages over under or by the side of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed during the formation thereof All sufficient posts rails hedges ditches mounds or other fences for separating the lands taken for the use of the railway from the adjoining lands not taken and protecting such lands from trespass or the cattle of the owners or occupiers thereof from straying thereon by reason of the railway together with all necessary gates made to open towards such adjoining lands and not towards the railway and all necessary stiles and sunk posts rails and other fences shall be made forthwith after the taking of any such lands if the owners thereof shall so require and the said other works as soon as conveniently may be

Also all necessary arches tunnels culverts drains or other passages either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to carry the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be and such works shall be made from time to time as the railway works proceed

Provided always that the said Company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway nor to make any accommodation works with respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

15. If any person omit to shut and fasten any gates set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands so soon as he and the carriage cattle or other animals under his care have passed through the same he shall forfeit for every such offence any sum not exceeding ten pounds.

16. 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 virtue of 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.

17. If within twenty-eight days of the passing of this Act the said persons through whose lands the railway shall pass or any of them and the said Company shall not agree as to the amount of compensation other than that provided for by section thirty of this Act to be paid by them for the said lands belonging to the said parties or any of them or for any damage that may be sustained by them or him by reason of the execution of the works or if any other question as to compensation shall arise under this Act the amount of such compensation



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compensation shall be settled by arbitrators in manner hereinafter mentioned (that is to say)—

- Unless both parties concur in the appointment of a single arbitrator each party on the request of the other shall  
Appointment of arbitrators.
- 5 nominate and appoint an arbitrator to whom such dispute or other matter shall be referred and any appointment of an arbitrator shall be under the hand of such party and such appointment shall be delivered to the arbitrator or arbitrators and shall be deemed a submission to arbitration on the part  
 10 of the party by whom the same shall be made and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other nor shall the death of either party operate as a revocation and if for the space of fourteen days after such dispute  
 15 or other matter shall have arisen and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator such last-mentioned party shall fail to appoint such arbitrator then upon such failure it shall be lawful for the Attorney General for the time being of the  
 20 said Colony on the application of the party who has himself appointed an arbitrator to appoint such arbitrator 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 case the award or determination of such single  
 25 arbitrator shall be final and conclusive.
18. If before the matter so referred shall be determined any arbitrator appointed by either party shall die or become incapable or  
 refuse or for fourteen days neglect to act as arbitrator the party by whom such arbitrator was appointed may nominate and appoint in  
 30 writing some other person to act in his place and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed alone and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at  
 35 the time of such his death refusal neglect or disability as aforesaid.
19. Where more than one arbitrator shall have been appointed  
 such arbitrator shall before they enter upon the matters referred to them nominate and appoint by writing under their hands an umpire to  
 40 decide any matters on which they shall differ or which shall be referred to them under the provisions of this Act and if such umpire shall die or refuse or for seven days neglect to act after being called upon so to do by the arbitrators or either of them they shall forthwith after such death refusal or neglect appoint another umpire in his place and the decision of every such umpire on the matters so referred to him shall  
 45 be final.
20. If in either of the cases aforesaid the arbitrators shall refuse  
 or for seven days after request of either party to such arbitrators  
 neglect to appoint an umpire it shall be lawful for the Attorney  
 General for the time being on the application of either party to such  
 50 arbitrators to appoint an umpire and the decision of such umpire on the matters on which the arbitrators differ shall or which shall be referred to him under this Act shall be final.
21. If when a single arbitrator shall have been appointed such  
 arbitrator shall die or become incapable or shall refuse or for fourteen  
 55 days neglect to act before he shall have made his award the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.
22. If when more than one arbitrator shall have been appointed  
 60 and when neither of them shall die become incapable refuse or neglect to act as aforesaid such arbitrators shall fail to make their award  
 within  
If arbitrators fail to make their award within fourteen days the matter to go to the umpire.



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within fourteen days after the day on which the last of such arbitrators shall have been appointed or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators under their hands the matters referred to them shall be determined by  
 5 the umpire to be appointed as aforesaid.

23. The said arbitrator or arbitrators or his or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the questions in dispute and may examine the parties or  
 10 their witnesses on oath and administer the oaths necessary for that purpose.

Powers of arbitrators to call for books.

24. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall in the presence of a Justice of the Peace make and subscribe the following declaration  
 15 (that is to say)—

Arbitrator or umpire to make declaration.

I A.B. do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the "Australasia Coal Mining Company's Act of 1875."

20 Made and subscribed in the presence of

A.B.

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 misdemeanour.

25 25. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators and the costs of the arbitrators shall be borne by the parties in equal proportions unless the amount awarded shall be one-fourth less than the amount which shall have been offered by the said Company in which case the whole costs  
 30 of the arbitrators and also the costs of and incident to the said arbitration shall be paid by the claimant. Provided that if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court and the amount allowed by such officer  
 35 shall be the amount of costs to be paid.

Costs of arbitration.

26. The arbitrator or arbitrators or umpire shall deliver their or his award in writing to the said Company who shall retain the same and shall forthwith on demand at their own expense furnish a copy thereof to the other party and shall at all times on demand produce  
 40 the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose and the amount awarded shall be paid within sixty days after the publication of such award.

Award to be delivered to the said Company.

27. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties. Provided always that it shall in the first instance have been agreed by both parties that the submission to arbitration may be so made a rule of the Supreme Court.

Submission made a rule of Court.

28. 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.

Award not void through error in form.

29. In estimating the purchase money or compensation to be paid by the said Company regard shall be had by the arbitrators not only to the value of the land to be taken by the said Company but  
 55 also to the damage if any to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner or otherwise injuriously affecting such other lands by the exercise of the powers of this Act.

Purchase money and compensation how to be estimated.

30. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such  
 60 lands

Compensation to be made for temporary occupation.



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- lands upon being required so to do to pay to the occupier of the said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands as the case may require a rent to be fixed by two Justices in case the parties differ and shall also within twelve months after such entry pay to such owners and occupiers or deposit in the Bank for the benefit of all parties interested as the case may require compensation for all permanent or other loss damage or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted including the full value of all clay stone gravel sand and other things taken from such lands.
- 15 31. Nothing in this Act contained shall be deemed to authorize the Company to take or enter upon any lands belonging to the Commissioner for Railways or to alter or interfere with the Great Northern Railway or any of the works thereof further or otherwise than is necessary for making the junction and inter-communication between the Railways without the previous consent in writing in every instance of the Commissioner for Railways.
- 20 32. The Commissioner shall from time to time erect such signals and conveniences incident to the junction either upon his own lands or on the lands of the Company and may from time to time appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at or near the junction.
- 25 33. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the Commissioner for Railways and all the expenses connected with such junction and of erecting and maintaining all works in connection therewith and of employing watchmen switchmen and other persons and all incidental current expenses shall at the end of every half year be repaid by the Company and in default thereof may be recovered from them in any Court of competent jurisdiction.
- 30 34. Nothing herein contained shall alter repeal or otherwise affect the "Government Railways Act of 1858."
- 35 35. The following words in this Act shall have the meaning hereby assigned to them unless there be something either in the subject or context repugnant to such construction. The word "Company" shall mean the Australasia Coal Mining Company (limited). The word "Railway" shall mean the railway hereby authorized to be constructed and in citing this Act it shall be sufficient to use the expression "The Australasia Coal Mining Company's Railway Act of 1875".
- 40 The word "Justices" shall mean Justices of the Peace in and for the territory of New South Wales and where any matter shall be authorized or required to be done by two Justices the expression "Two Justices" shall mean two Justices assembled and acting together in Petty Sessions and where under the provisions of this Act any notice shall require to be given to the owner of any land or where any act shall be authorized or required to be done with the consent of any such owner the word "Owner" shall be understood to mean any person or corporation who under the provisions of this Act would be able to sell land to the said Company.
- 45 50 55 36. This Act shall be deemed and taken to be a Public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales without being specially pleaded.

Lands belonging to Commissioner for Railways not to be taken and Great Northern Railway not to be altered nor interfered with.

Commissioner may erect signals and appoint watchmen and switchmen.

Working of signals to be under regulation of Commissioner and expense to be paid by Company.

"Government Railways Act of 1858" not altered or repealed.

Interpretation clause.

Act to be deemed a Public Act.



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## FIRST SCHEDULE.

The crossings of the Australasia Coal Mining Company's Railway with any other railway shall be protected by six signals two of which shall be placed at each of the crossings respectively and shall be called "Crossing Signals" the other four shall be called "Distance Signals" Each of the distance signals shall be fixed at about four hundred yards from the intersection of the lines of railway respectively.

The crossing signals shall be thirty feet in height and have each two semaphore arms with lamps complete.

One of these signals shall be placed on the "down" side of the lines to be crossed respectively and on the eastern side of the Australasia Coal Mining Company's line The other shall be placed on the "up" side of the said lines to be crossed and on the western side of the Australasia Coal Mining Company's line.

The signals on the "down" side of the lines to be crossed shall be for the trains of the owners of the lines so crossed by the said railway and the signal on the "up" side shall be for the Australasia Coal Mining Company's trains.

## SECOND SCHEDULE.

The arms of the crossing signals shall never be lowered to "all right" but shall stand at "danger" except when lowered to "caution" to allow a train to pass through.

The engine-driver requiring to pass along any of the lines so crossed by the said railway shall give one long whistle and the engine-driver requiring to proceed along the Australasia Coal Company's line shall give two short whistles.

The distance signals shall always stand at "danger" except when the arm is lowered to "caution" to admit a train.

On the approach of a train from Newcastle on either of the lines so crossed by the said railway one long whistle shall be given and the signal-man if the line be clear shall lower the arm of the distance signal to "caution" and at the same time lower the arm of the crossing signal on the left side of the post also to "caution."

If a train approach the crossing from the pits of either of the said two lines to be crossed on one long whistle being given if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time also lower to "caution" the arm of the crossing signal on the left side of the post.

On the approach of a train from the direction of Newcastle on the Australasia Coal Company's line on two short whistles being given the signal-man if the line be clear shall lower the distance signal arm to "caution" at the same time lower the crossing signal arm on the left side of the post also to "caution."

If a train approach on the Australasia Coal Company's line from the pits (or in the "up" direction) two short whistles shall be given and if the line be clear the signal-man shall lower the arm of the distance signal to "caution" and at the same time lower to "caution" the arm on the left side of the post of the crossing signal.

If the crossing be approached by night in any direction the "caution" signal shall be a green light and the train may proceed.

All trains approaching the crossing in any direction must be driven at such speed as will enable the driver to bring his train to a stand before passing the distance signal should the "danger" signal be exhibited.

After coming to a stand the train must be immediately drawn inside the distance signal so as to protect it from any train that may be following on the same line of rails.

The whole of the signals belonging to these crossings shall stand only at "danger" or "caution" The danger signal shall be the semaphore arm raised on the left side of the post at right angles thereto and at night a red light.

The caution signal by day shall be the semaphore arm lowered on the left side of the post to an angle of forty-five degrees and at night by a green light.

The red light signal or the semaphore arm raised at right angles to the post shall denote that the line is not clear and that the train must be brought to a stand as rapidly as possible.

The green light signal or the semaphore arm lowered to an angle of forty-five degrees with the post shall denote that the train may proceed.

No train shall pass over the crossing at a greater speed than ten miles an hour.

The signal-men in charge of these crossings respectively will be held responsible for the proper working of all the signals in accordance with these regulations and any infringement of which by the engine driver or others shall be immediately reported by them to the managers of the respective Companies.

The four distance signals shall have one arm each and be worked by levers one to each signal fixed on the platform to the signal-box and the crossing signals shall have two arms each worked by stirrups one for each arm and lamp fixed alongside the levers for the distance signals so that the whole signal arrangements for each of these crossings will be entirely under the easy control of one man.

When

Signals for each crossing viz. two crossing signals and four distance signals.

Twelve signals for the two crossings.



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When night trains are running the lamps shall be lighted at sundown and the signal-men will be held responsible for the proper burning of the lights of all the signals.

After the passing of the last train the lights of the signals shall be immediately put out.

5 All the distance signals at each crossing shall have back lights white and green which can be seen from the signal-man's box and by these it can be known if the signal lights are burning properly the white back light shall denote that a green light is shown on the face of the lamp and the green back light that a red light is being exhibited on the face of the signal.

10 By the "up" trains shall be understood those running from the coal-pits to Newcastle or Port Waratah and by "down" trains shall be understood those running from Newcastle or Port Waratah to coal-pits.