

1897.

A BILL

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

WHEREAS Richard Read, of Singleton, doctor of medicine, William Longworth, of Lithgow, mine-manager, and Thomas Longworth, of Cobar, mine-manager, their executors, administrators, and assigns, hereinafter called "the promoters," are the lessees of the mines of the Great Cobar Copper-mining Company (Limited), situated at Cobar, in the parish of Cobar, county of Robinson, in the Colony of New South Wales, and are engaged in the work of copper-mining at the said mines: And whereas the promoters are desirous of constructing a railway from the said mines to the Great Western Railway for the purpose of more beneficially working the said mines and carrying thereon ore, matte regulus, goods, chattels, and such other materials as the promoters may desire: And whereas the promoters are the owners in fee simple of all the land required for the construction of the said railway up to its place of connection with the land of the Railway Commissioners of New South Wales where it is desired

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desired to communicate with the Great Western Railway, Nyngan to Cobar Branch, as aforesaid, with the exception of certain streets or highways mentioned in the Schedule hereto, and of a strip of Crown land of the width of ten feet reserved alongside Conduit-street, one of the streets or highways aforesaid: And whereas the promoters 5 have obtained the consent of their lessors, the Great Cobar Copper-mining Company (Limited), and of the Council of the Municipality of Cobar, having the care and management of the streets or highways aforesaid, for the construction and maintenance of the said railway: And whereas it is expedient that the promoters, their executors, 10 administrators, and assigns should have power to construct and maintain the said proposed railway, but by reason of the course thereof crossing the said streets or highways and the said strip of Crown land, such power cannot be obtained without legislative enactment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with 15 the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. This Act may be cited for all purposes as the "Great Cobar Copper-mine Railway Act" in its interpretation; and the word "pro- 20 motors" shall mean the said Richard Read, William Longworth, and Thomas Longworth, their executors, administrators, and assigns.

Authority to construct and maintain railway.

2. (I) It shall be lawful for the promoters to construct and maintain a railway from the mines of the Great Cobar Copper-mining Company (Limited), situate at Cobar, in the parish of Cobar, and 25 county of Robinson, to communicate with the Great Western Railway at a point to be approved by the Railway Commissioners of New South Wales.

Connection with Great Western Railway.

(II) It shall also be lawful for the promoters to contract with the Railway Commissioners of New South Wales to effect a 30 communication between the railway hereby authorised and the Great Western Railway in the manner provided for in the one hundred and twelfth section of the Public Works Act, 1888.

Direction and breadth of railway.

(III) The railway hereby authorised shall be in the direction described in the Schedule hereto, but so that the same shall not occupy 35 at the crossing of any of the streets or highways aforesaid or at the crossing of the said strip of Crown land the greater space in breadth than one hundred and thirty-two feet.

Power to alter roads

3. (I) For the purposes and subject to the provisions of this Act it shall be lawful for the promoters, their deputies, agents, 40 servants, and workmen, and all other persons authorised by them to divert or alter the course of any road or way crossing the said railway, or to raise or sink any road or way in order the more conveniently to carry the same over or under or by the side of the said railway.

Substitution of roads

(II) If in the exercise of the powers hereby granted it be 45 necessary to cross-cut-through, sink, raise, or use any part of any road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the promoters shall before the commencement of any such operations cause a sufficient road to be made instead of any road interfered with, and shall at their own expense 50 maintain such substituted road in a state as convenient as the road interfered with or as nearly as may be.

Damages to roads to be made good.

(III) If in the course of making the said railway the promoters shall use or interfere with any road, they shall from time to time make good all damages done by them to such road, and if any 55 question shall arise as to the damage done to any such road by the promoters or as to the repair thereof by them, such question shall be referred to the determination of two justices in petty sessions, who may direct such repairs to be made upon such road in respect of damage

damage done by the promoters, and within such period as the said justices may deem reasonable, and may impose upon the promoters for not carrying into effect such directions any penalty not exceeding *five* pounds as to such justices shall seem fit: Provided always that the
 5 said justices shall have regard to and make full allowance for any tolls that may have been paid by the promoters on such road in the course of using the same.

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

Level crossings.

4. It shall be lawful for but not compulsory upon the promoters from time to time, and at any and all times, to carry passengers, goods, and live stock upon the said railway or any part thereof respectively,
 25 and to make, demand, take, receive, and recover such tolls or dues for carrying the same at such rates per mile or other scale of charges as shall be established from time to time by the promoters for or in respect of all such passengers, goods, and live stock which shall be conveyed upon the said railway or any part thereof. And the promoters are
 30 hereby authorised to make such by-laws and regulations not inconsistent with this Act as may be necessary for the regulation of such traffic, and such by-laws or regulations shall be binding upon all persons using or travelling upon the said railway, and any person offending against such by-laws or regulations shall be liable to a fine not exceeding *ten* pounds
 35 for each offence, to be recovered in a summary way before any two justices in petty sessions, or before a stipendiary or police magistrate: Provided always that if the rates, tolls, or dues that may be established
 as aforesaid under and by virtue of this Act shall be found excessive,
 it shall be lawful for the Executive Council, on petition by any person,
 40 to reduce the said rates, tolls, or dues, and to revise them in such manner as may seem proper and advisable.

Power to carry passengers, &c.

By-laws respecting traffic.

Proviso as to rates, &c.

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

By-laws generally.

6. (i) The production of a written or printed copy of the by-laws of the promoters, with their names attached, shall be sufficient evidence of such by-laws in all proceedings under the same.

Proof of by-laws.

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

Where by-laws impose penalties.

7. Nothing in this Act contained shall be deemed to authorise the promoters to enter upon any lands belonging to the Railway Commissioners

Promoters not empowered to enter land of Railway Commissioners.

Commissioners of New South Wales, or to alter or to interfere with the Great Western Railway or any of the works thereof, further or otherwise than is necessary for making the junction and intercommunication between the railways without the previous consent in writing in every instance of the said Railway Commissioners. 5

Signals, &c., at junction.

8. The Railway Commissioners of New South Wales shall from time to time erect such signals and conveniences incident to the junction of the said railway with the Great Western Railway, either upon their own lands or upon the lands of the promoters, and may from time to time appoint and remove such watchmen and switchmen 10 and other persons as may be necessary for the prevention of danger to or interference with the traffic at or near the said junction, and in all cases at the expense of the promoters. The working and management of such signals and conveniences wherever situate shall be under the exclusive regulation of the said Railway Commissioners. 15

Meaning of expression "two justices."

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

SCHEDULE.

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Commencing at the mines of the Great Cobar Copper-mining Company (Limited) at Cobar; thence proceeding in a northerly direction across Nyngan-road; thence through a portion of land the property of the promoters; thence across a strip of Crown land of the breadth of ten feet, fronting Conduit-street, in the town of Cobar, and across Conduit-street aforesaid; thence through other land of the promoters and across Eleventh-street in the said town; thence through other land of the promoters and across Tenth-street in the said town; thence through other land of the promoters north-easterly and across Railway-parade south in the said town to a point on the great western railway, Nyngan to Cobar branch, to be approved by the Railway Commissioners of New South Wales. 30