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## A BILL

To enable Caledonian Collieries, Limited, a joint stock company duly incorporated under the Companies Act of 1899, to construct a railway from Aberdare Extended, and other collieries, to Cockle Creek.

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**W**HEREAS Caledonian Collieries, Limited, a joint Preamble,  
stock company duly incorporated under the Companies Act of 1899 (hereinafter called "the company" or "the said company"), is the owner of coal mines known  
**5** as Aberdare Extended Colliery and Aberdare Colliery, and has in process of development a colliery to be known as the Aberdare South Colliery, and is also about to develop

develop a further colliery to be known as Aberdare Central, all of which collieries are situated in the parishes of Pokolbin and Cessnock, in the county of Northumberland, and in order to facilitate direct communication and transport of coal between the said coal mines and Cockle Creek on the Great Northern Railway, the company is desirous of constructing a direct railway and branch railways from their said coal mines to Cockle Creek on the said Great Northern Railway, and of diverting part of the West Wallsend and Seaham private railway belonging to the company and Seaham Colliery Company, Limited, as tenants in common, but as part of such proposed railway, branch railways, and diverting railway is intended to be made upon and pass through land believed to be the property of the Crown, bodies corporate, and private persons respectively, the same cannot be made without legislative authority: And whereas the said coal mines are beneficial to the State, 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, and general goods and passenger traffic to and from the adjacent agricultural districts and townships, as would result from the construction of the said proposed railway and branch railways, and traffic on the Great Northern Railway would be increased thereby: It is therefore desirable to authorise by legislative enactment the construction of the said railway, branch railways, and diverting railway, subject to the provisions hereinafter contained, upon payment of compensation to the several parties through whose land the same shall pass for such portion of their respective lands as may be required to be taken and occupied thereby: Be it therefore enacted by the King'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:—

**1.** It shall be lawful for the company or its assigns, to make and construct a railway which shall be of the same gauge as the Government railways, namely, four feet eight and a half inches, from the lands of the said company,

Authority to  
construct  
railway.

company, near the Aberdare Extended Colliery, being  
portion two hundred and sixty-one in the parish of Pokol-  
bin, county of Northumberland, through the lands and  
in the direction described in the First Schedule hereto  
5 (hereinafter called the "said railway"), and to make  
and construct two branch railways commencing from  
the Aberdare South Colliery and the Aberdare Colliery  
respectively, and passing through the lands and in the  
directions respectively described in the Second and Third  
10 Schedules hereto, and connecting with the said railway  
(hereinafter called the "branch railways"); and to  
make and construct a further railway for the purpose  
of diverting the course of part of the existing West  
Wallsend and Seaham private railway, belonging to  
15 Caledonian Collieries, Limited, and Seaham Colliery  
Company, Limited, as tenants in common, from a point  
on the said West Wallsend and Seaham private railway,  
passing through the lands and in the direction described  
in the Fourth Schedule hereto (hereinafter called the  
20 "diverting railway"); and to make and construct such  
tunnels, loop-lines, stations, and sidings as may be neces-  
sary for the safe and convenient use of the said railway,  
branch railways, and diverting railway to be constructed  
as aforesaid, and to take and use so much of the Crown  
25 lands, and so much of the lands of bodies corporate and  
private persons through which the said railways shall  
pass, as the said company may require for the said rail-  
way, branch railways, and diverting railway loop-lines,  
stations, sidings, and tunnels: Provided that the land  
30 taken for any of the said railways shall not exceed two  
chains in width, except where an additional width shall  
be required for stations, sidings, loops, embankments,  
cuttings, and crossings, for which purpose the width of  
land taken shall not exceed five chains. The said rail-  
35 ways shall be constructed in a proper and workmanlike  
manner, to the satisfaction of the Chief Commissioner  
for Railways and Tramways (hereinafter called the  
"Chief Commissioner").

All the provisions of this Act with respect to the said  
40 railway shall, except where the context shall not admit,  
be applicable to the said branch railways and diverting  
railway also.

Vesting of  
lands in  
company.

2. The ground and soil of so much of the site of the said railway, including loop-lines, stations, sidings, and tunnels as passes over or through or includes the lands of the said bodies corporate and private persons, and over or through Crown lands respectively, together 5 with such rights of ingress, egress, and regress upon the adjacent land as may be necessary for the making, maintenance, and repair of such railway with its loop-lines, stations, sidings, and tunnels, shall, so far as is necessary for the purpose of this Act, be vested by 10 virtue of this Act, and without the necessity of any conveyance, in the said company and its assigns as and when the said site is appropriated by the said company or its assigns for the purpose of the said railway: Provided that no lands vested in the Chief Commissioner 15 shall by virtue of this Act be vested in the said company, and nothing herein contained shall prevent the said bodies corporate and private persons and their lessees or any person or persons duly authorised by them from carrying on any mining operations beneath 20 the said railway, loop-lines, stations, and sidings which shall not interfere with the safety of the said railway, loop-lines, stations, sidings, or tunnels, and the traffic thereon, and the said company shall not by virtue of this Act have any further right to the soil of the said 25 lands beneath the surface than shall be requisite for the formation, maintenance, and repairs of the said railway, loop-lines, stations, sidings, and tunnels, by cutting, tunnelling, embanking, sinking wells, water channels, or otherwise: Provided that the said railway shall, 30 unless the said company is prevented by war, tumult, strikes, or other unavoidable cause, be constructed and brought into use within five years after the passing of this Act; and that in default thereof, or if after its completion the railway or the portion so constructed 35 shall cease to be used for two years continuously unless such continuous use is prevented by any of the causes aforesaid, the rights and benefits conferred upon the said company by virtue of this Act shall cease and determine: Provided that if only the branch railways 40 or one of them shall remain unconstructed and brought into

*Caledonian Collieries Railway.*

into use within the time aforesaid, or shall cease to be used as aforesaid, then this last provision shall apply only to such branch railways or branch railway, and shall not prejudice the rights of the company in regard to their  
5 main railway: Provided further, that if at any time, or from time to time, after the said railway shall have been constructed, the company shall deem it expedient or proper, or it may be found necessary to construct additional sidings, stations, or loop-lines for the con-  
10 venience of the public or for the better or more convenient use or efficient working of the said railway, it shall be lawful for the company to exercise the powers by this Act conferred on the company for the purposes of sidings, stations, and loop-lines, and all the provisions of this Act  
15 in relation thereto; and the vesting of the ground and soil of the site thereof in the company and otherwise shall also be applicable to such additional sidings, stations, and loop-lines: Provided also that if in the exercise of the powers hereby granted it be found necessary to  
20 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 said company shall, before the commencement of any such operations, cause a sufficient road to be made  
25 instead of any road interfered with, and shall at its own expense maintain, until the said railway has been constructed, such substituted road in a state as convenient as the road interfered with, or as nearly as may be. And the said company, before it uses the said lands of the  
30 owners of land and the said Crown lands respectively for the purposes aforesaid, shall, if required so to do, separate the same by a sufficient fence from the land adjoining thereto with such gates or cattle stops as may be necessary for the convenient occu-  
35 pation of such land, and shall also to all private roads used by it as aforesaid put up fences, gates, or cattle stops 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 or upon the  
40 said railway lines, and in case of any difference between the owners or occupiers of such road and lands and the  
said

*Caledonian Collieries Railway.*

said company as to the necessity for such fences, gates, or cattle stops, then the said company shall put up and erect or construct such fences, gates, or cattle stops as any two justices of the peace after inquiry shall deem necessary for the purposes aforesaid, on application 5 being made to them.

Diversion of  
West  
Wallsend and  
Seaham pri-  
vate railway.

**3.** When the said diverting railway shall have been constructed, and shall be ready for the running of trains thereon, the same shall, as from the date on which it shall be declared by the said Caledonian Collieries, 10 Limited, and the Seaham Colliery Company, Limited, by notice in the Government Gazette that the said diverting railway has been constructed and is ready for the running of trains thereon, become vested in Caledonian Collieries, Limited, and Seaham Colliery Company, 15 Limited, as tenants in common, and so much of the West Wallsend and Seaham railway belonging to the Caledonian Collieries, Limited, and Seaham Colliery Company, Limited, as shall have been diverted (hereinafter called the diverted section) shall, as from 20 the said date, become vested in the said Caledonian Collieries, Limited, and the said diverting railway shall immediately upon such vesting cease to be subject to the provisions of this Act, and shall become subject to such of the provisions of the "West Wallsend and 25 Monk Wearmouth Railway Act of 1886," and of an Act intituled "An Act to Amend the 'West Wallsend and Monk Wearmouth Railway Act of 1886,'" as are applicable thereto, and the diverted section shall, immediately upon such vesting, cease to be subject to the two 30 said last-mentioned Acts, and shall become subject to such of the provisions of this Act as are applicable thereto: Provided always that, as between the said company and the persons whose lands shall have been appropriated by the said company for the purposes of the said 35 diverting railway, such persons shall retain, as against the said company, as well after the vesting of the said diverting railway in the Caledonian Collieries, Limited, and Seaham Colliery Company, Limited, as tenants in common, as before, all the rights with respect to com- 40 pensation which such persons held by virtue of this Act

Act against the said company at the date of such vesting, in respect of any land comprised in the section so vesting: Provided that nothing in this Act shall be deemed to authorise the company to interfere with the  
5 said West Wallsend and Seaham railway further or otherwise than is necessary for making the said diversion, until the said diverting railway shall have been constructed, and is ready for the running of trains thereon as aforesaid.

10 Except where the context shall not admit, whenever the words "diverting railway" occur in this section of this Act the same shall be deemed to include all or any sidings, loop-lines, and other adjuncts and conveniences which at the date of such vesting as aforesaid shall have  
15 been constructed by the company in connection with the said diverting railway, and so much of the ground and soil as shall be appropriated by the company by virtue of this Act exclusively for the site thereof, and all the provisions of this section of this Act with respect  
20 to the said diverted section shall be applicable to, and the words "diverted section" whenever in this said section occurring shall be deemed to include all sidings, loop-lines, and other adjuncts and conveniences which at the date of such vesting as aforesaid shall be held, used,  
25 occupied, or enjoyed by the company and the Seaham Colliery Company, Limited, in connection therewith, together with all lands and estates or interests in lands as shall at the date aforesaid be held, used, occupied, or  
30 enjoyed by the company and the Seaham Colliery Company, Limited, exclusively for the site thereof or in connection therewith.

4. It shall be lawful for the owners or occupiers of the lands adjoining thereto or traversed by the said railway to lay down upon their own lands any collateral  
35 branches of railway to communicate with the said railway for the purpose of bringing carriages, trucks, and waggons to or from or upon the said railway, and the company shall, if required, at the expense of such owners or occupiers, make openings in the rails and  
40 such additional lines of railway as may be necessary for effecting such communication in places where the communication

Collateral  
branch  
railways.

Collateral  
branch  
railways.

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 company shall not, except with the consent of or by agreement with the owners of such collateral branch railway, take any rate or toll or other moneys for the passing of any passengers, coal and goods, or other things along any branch so to be made by any such owner, or occupier, or other person. The 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 inclined plane or bridge, nor in any tunnel. The persons making or using such collateral branches of railway shall be subject to all bylaws and regulations of the company from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such collateral branches shall be bound to construct, and from time to time as need may require, to renew the off-set plates and switches according to the most approved plan adopted by the company under the direction of its engineer, and to provide all necessary signalmen, switchmen, and all other persons necessary to prevent accidents on such collateral branches or the junction thereof with the railway lines hereby authorised.

Power to  
divert or alter  
roads.

**5.** For the purpose and subject to the provisions hereinafter contained, it shall be lawful for the company, its deputies, agents, servants, and workmen, and all other persons by them authorised and empowered, to divert or alter the course of any road or way crossing the railway, loop-lines, stations, or sidings, or to raise or sink any road or way, in order the more conveniently to carry the same over or under or by the side of the railway, loop-lines, stations, or sidings: Provided always that any such works which affect public roads shall be carried out to the reasonable satisfaction of the council of the local government area in which such works are situate.

Penalty for  
not substi-  
tuting a road.

**6.** If the company does not cause another sufficient road to be so made before it interferes with any such existing road as aforesaid, it shall forfeit five pounds for every



every day during which such substituted road shall not be made after the existing road shall have been interrupted, and such penalties shall be paid to the council of the area in which such road is situate 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 every such penalty shall be recoverable, with costs, by action in any of the superior courts.

7. Whenever the company shall erect any station or platform on the said railway it shall be lawful for the company to make and construct a road from the said station or platform to the most convenient public road, and the ground and soil of the site of such road, together with such rights of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair of such road, shall so far as is necessary for the making, repair, and maintenance of such road, be vested by virtue of this Act and without the necessity of any conveyance in the company and its assigns as and when such road shall be made: Provided always that the company shall, with respect to the opening of any such road, comply with the provisions of the Local Government Act, 1906, and any Act or Acts amending or substituted for the same, and any regulations or ordinances made thereunder with respect to the opening of roads. The company shall be at liberty to dedicate any such road to the public.

Power to construct road from station or platform.

8. It shall be lawful for, and, at the request of the Chief Commissioner, compulsory upon the said company from time to time and at all times, unless prevented by strikes or other cause beyond the control of the company, to carry passengers, goods, and live stock upon the said railway or any part thereof, and the said company may 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 company for or in respect of all such passengers, goods, and live stock which shall be conveyed or transported upon such railway or any part thereof respectively; and the company is hereby authorised to make such by-laws and regulations not inconsistent with this

Right to carry passengers.

this

this Act, and subject to the approval of the Chief Commissioner, 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 persons offending against such by-laws or regulations shall be liable to a fine not exceeding *ten* pounds for each offence to be recovered in a summary way before any two justices : 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 the petition of any person to reduce the said rates, tolls, or dues, and to revise them in such manner as may seem most proper and advisable : Provided that such rates shall not be at any time proportionately less per mile than those charged on the Government railway.

Railway open  
to the public.

9. The railway shall, unless prevented by strikes or other cause beyond the control of the company, be open to the public use for the conveyance of coal and goods upon payment of a toll to the company for the conveyance of coal of a sum not exceeding one penny per ton per mile, with a minimum charge of sixpence per ton in respect of every ton of coal for every transit, and for goods a sum not exceeding threepence per ton per mile in respect of every ton of goods for every transit the person seeking transit, supplying, and loading his own trucks or on Government waggons, and the company or Government supplying locomotive power ; and all trucks when emptied shall be conveyed on their return free of charge : Provided always that it shall not be compulsory on the company to supply locomotive power at any time other than its scheduled running times unless the party seeking the transit guarantee and bring one hundred tons at least during ordinary working hours of the day, and give notice of the same at least twenty-four hours previously. The railway shall at all times, unless prevented as aforesaid, be open to the public for the conveyance of coal and goods upon payment of a toll to the said company for the conveyance of coal of a sum not exceeding one half-penny per ton per mile, with a minimum charge of threepence per ton in respect of every ton of coal for every

every transit, and for goods of a sum not exceeding one penny half-penny per ton per mile, with a minimum charge of sixpence per ton in respect of every ton of goods for every transit, if the party seeking transit  
 5 supply the locomotive power as well as the trucks and waggons: Provided that so long as the company shall be willing to supply locomotive power no other person shall use locomotive power on the line other than the Chief Commissioner: Provided that if the railway shall  
 10 be damaged by parties who shall themselves use the railway for transit and supply locomotive power, the company shall be entitled to compensation for such damage, to be recovered either by action in the Supreme Court of New South Wales or, if such damage does not  
 15 exceed the sum of thirty pounds, summarily before two justices; and in estimating such damage the company shall be entitled, not only to compensation for the cost of repairing and restoring the railway but to the consequential damage (if any) sustained by reason of the  
 20 suspension of transit or otherwise.

10. If, in the course of making the railway, the company shall use or interfere with any road, it shall make good all damage done by it to such road to the satisfaction of the council of the area within which such  
 25 road is situate; and if any question shall arise as to the damage done to any such road by the company such question shall be referred to the determination of two justices, and such justices may direct the company to make good such road in respect of damage done by the  
 30 company, and within such period as they may think reasonable, and may impose on the company for not carrying into effect such direction any penalty not exceeding *five* pounds per day as to such justices shall seem fit, and any such penalty shall be paid to the  
 35 council of the area within which such road is situate if a public road, and be applied for the purposes of such road, or if a private road the same shall be paid to the owner thereof.

11. Until the company shall have made the bridges  
 40 or other proper communications which it shall, under the provisions herein contained, have been required to make  
 Owners' crossing.

make between lands intersected and the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right-of-way shall be affected by the want of such communications, and their respective servants, may at all times freely pass and repass with 5  
carriages, horses, and other animals directly but not otherwise across any part of the railway made in or through their respective lands solely for the purpose of occupying the same lands, or for the the exercise of such 10  
right-of-way and so as not to obstruct the passage along the railway or to damage the same. Nevertheless, if the owner or occupier of any such land has, in his arrangements with the company, received or agreed to receive compensation for or on account of any such 15  
communications instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Provisions in cases where roads are crossed on a level.

**12.** If the railway cross any public highway or parish road, or if a road crossing or meeting the railway line be provided at any future date, under the powers 20  
contained in the Acts relating to the establishment of public roads on a level, the company shall erect and at all times maintain to the satisfaction of the council of the area in which such road is situate good and sufficient 25  
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 the time 30  
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 35  
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 no exceeding *forty* 40  
shillings for every default therein, to be recoverable before any two justices in a summary way: Provided always that it shall be lawful for such council in any 45  
case

case in which it shall be satisfied that it will be more conducive to the public safety that the gates on any level-crossing over any such road shall be kept closed across the railway, to order that such gates shall be kept  
5 so closed instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road in the same manner and under the like penalty as above  
10 directed with respect to the gates being kept closed across the road: Provided also that on the application of the company the council may at discretion authorise the construction of cattle stops across the railway in lieu of gates across the road, and such cattle stops shall be  
15 constructed and maintained to the satisfaction of the said council. The council may, however, at any future time, if it considers it necessary for the public safety, withdraw such permission, and order the erection of gates and the provision of persons to open and shut them  
20 as hereinbefore provided, and such gates and persons shall be provided by the company without compensation for any loss or expense caused by the alteration.

**13.** In case of accidents or slips happening or being apprehended to the cuttings, embankments, or tunnels  
25 or other works of the said railway, loop-lines, stations, or sidings, it shall be lawful for the company and its 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  
30 be necessary for the purpose; but in every such case the company shall within forty-eight hours after such entry make a report to the Secretary for Public Works, specifying the nature of such accident or apprehended accident, and of the works necessary to be done, and such  
35 powers shall cease and determine if the said secretary shall, after considering the said report, certify that their exercise is not necessary for the public safety, or for the repair or maintenance of the line: Provided also that such works shall be as little injurious to the said  
40 adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with

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

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with all possible despatch, and full compensation shall be made to the owners and occupiers 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. 5

Construction  
of bridges  
over roads.

**14.** 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) :— 10

The width of the arch shall be such as to leave thereunder a clear space of not less than twenty-five feet, or such less space as may be approved by the Minister for Public Works, if the arch be over a public road or highway, and 15 of fourteen 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 a space of twelve feet if the arch be over a public road or highway; and the clear height at the 20 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 25 one foot in twenty-five feet if the bridge be over a public road or highway; and one foot in sixteen feet if over a private road, not being a tram-road or rail-road, and provision for the 30 drainage of such road shall be made to the satisfaction of the Minister for Public Works; or if the same be a tram-road or rail-road the descent shall not be greater than the ruling 35 gradient of such tram-road or rail-road:

Provided always that every such bridge shall be erected to the satisfaction of the Chief Commissioner.

Construction  
of bridges  
over railways.

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

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet,

feet, and on each side of the immediate approaches of such bridge of not less than three feet six inches.

5 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 twelve feet if a private road.

10 The ascent shall not be more than one foot in thirty feet if the road be a public road or highway, and one foot in sixteen if a private road, not being a tram-road or rail-road; or if the same be a tram-road or rail-road the ascent shall not be greater than the ruling gradient of such tram-road or rail-road :

15 Provided always that every such bridge shall be erected to the satisfaction of the Chief Commissioner :

20 Provided always that in all cases where the average available width for the passing of carriages of any existing road within fifty yards of the point of crossing the same is less than the width hereinbefore prescribed for bridges over or under the railway, the width of such bridges need not be greater than such average available width of such roads, but so, nevertheless, that such bridges be not of less width in case of a public highway or parish road than twenty feet: Provided also that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound at their own expense to increase the width of the said bridge to such extent as they may be required by the said Secretary for Public Works, not exceeding the width of such road as so widened or the maximum width herein prescribed for a bridge in the like case over or under the railway :

35 Provided also that if the mean 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 be required to be altered, or for which another road shall be substituted, shall be steeper than the inclination hereinbefore required to be preserved by the company, then the company may carry any such road

The width of the bridges need not exceed the width of the road in certain cases.

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

road over or under the railway, or may construct such altered or substituted road at an inclination not steeper than the said mean 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. 5

Works for  
benefit of  
owners.

**16.** The 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 to say)—

Gates,  
bridges, &c.

Such and so many convenient gates, bridges, arches, 10  
culverts, and passages over, under, or by the  
sides 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 15  
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, or during the formation thereof.

Fences.

All sufficient posts, rails, hedges, ditches, mounds, 20  
or other fences for separating the land 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 25  
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 such posts, rails,  
and other fences shall be made forthwith after 30  
the taking of any such lands if the owners  
thereof shall so require, and the said other  
works as soon as conveniently may be.

Drains.

Also all necessary arches, tunnels, culverts, drains, 35  
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 convey 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 40  
such works shall be made from time to time as  
the railway works proceed. Also



Also proper watering-places for cattle, or compensation in lieu thereof, where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering-places. And such watering-places shall be so made as to be at all times sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be. And the said company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering-places :

Provided always that the 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 land shall have agreed to receive, and shall have been paid compensation instead of the making of them.

**17.** If any person omit to shut and fasten any gate set up at either side of the railway, loop-lines, stations, or sidings 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 a sum not exceeding five pounds, to be recoverable in a summary way before any two justices.

**18.** The company shall not be entitled by virtue of this Act to any minerals under any land whereof the surface is vested in them by virtue only of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction, repair, or maintenance of the works hereby authorised.

**19.** If, within ninety days after the occupation by the company of any lands which it is empowered to take by this Act, the owners of such lands, or any of them, and the company shall not agree as to the amount of compensation to be paid by it for the said land 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

Appointment  
of arbitrators.

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:—Unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred. And every appointment of an arbitrator shall be under the hand or seal of such party or his or its properly authorised attorney or agent, 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 or dissolution of either party operate as a revocation: And if for the space of twenty-eight days after any 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 fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General on 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.

**20.** If, before the matter so referred shall be determined, any arbitrator appointed by either party shall die or become incapable or refuse or for twenty-eight 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 fourteen days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrators 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.

**21.**

21. 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 fourteen days neglect to act after being called upon to do so by the arbitrators, 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.

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

23. 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.

24. If, where more than one arbitrator shall have been appointed, either of the arbitrators shall refuse or for fourteen days neglect to act, the other arbitrator may proceed alone; and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

25. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-eight days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both of such arbitrators

arbitrators under their hands, the matters referred to them shall be determined by the umpire to be so appointed as aforesaid.

Powers of arbitrators to call for documents, &c.

**26.** The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which he or they may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose. 5

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

**27.** Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall, in the presence of a justice of the peace, make and subscribe the following declaration, that is to say:— 10

I, 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 Caledonian Collieries Railway Act of 1914. 15

Made and subscribed in the presence of

Penalty for misconduct.

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. 20

Costs of arbitration, how to be borne.

**28.** All the costs of any such arbitration and incident thereto to be settled by the arbitrators shall be borne by the company, unless the arbitrators shall award the same or a less sum than shall have been offered by the company, in which case the whole costs shall be paid by the claimant: Provided that if either party shall be dissatisfied with the costs allowed by the 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. 25

Award to be delivered to the company.

**29.** The arbitrators shall deliver their award in writing to the 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 30

appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of such award.

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

Submission may be made a rule of Court.

10 **31.** 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.

15 **32.** The company shall make compensation and satisfaction to the said owners and occupiers (the amount of such compensation and satisfaction to be ascertained and recovered in case of difference in the manner hereby provided) for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in any wise be occasioned by the said owners or occupiers by the non-performance by the said company of any of the matters and things hereby  
20 required to be performed by them or otherwise.

Compensation for temporary or permanent or recurring injuries.

25 **33.** In every case where the company shall take temporary possession of lands by virtue of the powers hereby granted, it shall be incumbent on it within one month after its entry upon such lands, upon being required to do so, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of its taking possession of such lands, and it shall  
30 also from time to time during its 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 six months after the completion of the railway pay to such owner or occupier, or deposit in a 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  
35 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.

**34.**

Power for Government to purchase railway.

**34.** It shall be lawful for the Minister for Works, on behalf of the Government, at any time by six months' notice in writing, to require the said company to sell, and thereupon the said company shall sell to the Government the said railway upon the terms of paying the then value of the said railway, and all lands, buildings, works, materials, and plant of the said company suitable to and used by it for the purposes of the said railway, such value in case of difference to be ascertained by arbitration in the manner provided by the Public Works Act, 1912, for settling cases of disputed compensation, and subject to the terms and conditions therein contained; and when any such sale shall have been made to the said Government, the said railway, lands, buildings, works, materials, plant, and premises shall vest in the Chief Commissioner, who shall have all the rights, powers, and authorities conferred on the company by this Act; and who shall relieve the company of all liabilities imposed on it by this Act in respect of the said railway so sold.

Company may make by-laws.

**35.** For the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects, it shall be lawful for the company, subject to the provisions herein mentioned, from time to time to make such by-laws and regulations as they shall think fit: Provided that such by-laws be not repugnant to the laws of the State, or of the Australian Commonwealth, or to the provisions of this Act; and such by-laws shall be reduced into writing, typing, or printing, and shall have affixed thereto the name of the company, and shall be prominently exhibited for the information of all concerned, and such by-laws may specify a maximum and minimum penalty for any breach thereof, such penalty to be proceeded for and recovered under the provisions of the Act No. 37, 1902 (Justices Act, 1902), and any Act or Acts amending or substituted for the same: Provided always that any by-laws of the said company relating to penalties must be first approved of by the Executive Council, and published in the Government Gazette.

**36.**

36. The production of the gazette or of a paper bearing the imprint of the Government Printer containing such by-laws of the company shall be sufficient evidence of such by-laws in all proceedings under the same.

Evidence of by-laws.

37. Nothing in this Act shall be deemed to authorise the said company to take or enter upon any lands belonging to the Chief Commissioner or to alter or interfere with the Great Northern Railway, or any of the works thereof, without the previous consent in writing in every instance of the Chief Commissioner.

Lands belonging to the Commissioner not to be taken.

38. The said Commissioner may from time to time appoint any person to be inspector for the purpose of inspecting the railway and of making any inquiry with respect to the condition of the works or into the cause of any accident, provided that no person so appointed shall exercise any powers of interference in the affairs of the company; and every inspector under this Act shall, for the purpose of any inspection or inquiry which he is directed by the Chief Commissioner to make or conduct, have the following powers, that is to say:—

Chief Commissioner may appoint inspectors.

(1) He may enter and inspect the railway and all the stations, works, buildings, offices, stock, plant, and machinery belonging thereto.

(2) He may, by summons under his hand, require the attendance of any person who is engaged in the management, service, or employment of the company, and whom he thinks fit to call before him and examine for the said purpose, and may require answers or returns to such inquiries for the said purpose as he thinks fit to make.

(3) He may require and enforce the production of all books, papers, and documents of the company which he considers important for the said purpose.

(4) If, after any such inspection, the Chief Commissioner deems the railway to be unsafe for the carriage of passengers, he may by notice in writing require the company to desist from carrying passengers until any repairs or alterations mentioned in the notice are effected, and thereupon

There shall be...

thereupon and until the requirements of such notice have been complied with, it shall not be lawful for the company to carry any passengers upon the said railway.

Accidents.

**39.** Where in or about the railway or any of the works or buildings connected with such railway, or any building or place, whether open or enclosed, occupied by the company in connection with such railway, any of the following accidents take place in the course of working, that is to say:—

- (1) Any accident attended with loss of life or personal injury to any person whomsoever. 5
- (2) Any collision where one of the trains is a passenger train.
- (3) Any passenger train or any part of a passenger train accidentally leaving the rails. 15
- (4) Any accident of a kind not comprised in the foregoing description, but which is of such a kind as to have caused or be likely to cause loss of life or personal injury, and which may be specified in that behalf by any order to be made from time to time by the Chief Commissioner. 20

The company shall send notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Chief Commissioner. 25

Such notice shall be in such form and shall contain such particulars as the Chief Commissioner may from time to time direct, and shall be sent by the earliest practicable post after the accident takes place. 30

The Chief Commissioner may, from time to time by order, direct that notice of any class of accident shall be sent to him by telegraph, and may revoke any such order.

While such order is in force, notice of every accident of the class to which the order relates shall be sent to the Chief Commissioner by telegraph immediately after the accident takes place. Failure to comply with the provisions of this section shall render the company liable for each offence to a penalty not exceeding *five* pounds. 35

Private rail-  
way crossing.

**40.** Nothing in this Act shall be deemed to authorise the company to interfere with the railway of the Great Northern 40



Northern Coal Company, Limited, further or otherwise than is necessary for making the level crossing over such railway referred to in the First Schedule to this Act. The company shall at its own expense from time to time  
 5 erect and keep erected and in good working order such signals and conveniences incident to the crossing by the company's railway over the railway of the Great Northern Coal Company, Limited, and shall at all times at their own expense employ at such crossing  
 10 such proper and competent signalmen and other persons as may be necessary for the working of such crossing and for the prevention of damages to or interference with the traffic of the Great Northern Coal Company, Limited, or their assigns, at or near the  
 15 crossing. No engines, trucks, or other rolling-stock shall be permitted by the company or the Great Northern Coal Company, Limited, or their assigns, to remain at a standstill upon or near the crossing so as to temporarily prevent the use and enjoyment by the other of them of  
 20 their respective railways at the crossing, but all such engines, trucks, and other rolling-stock shall be passed over the crossing with every reasonable despatch.

**41.** It shall be lawful for the company at any time by any deed or instrument in writing to assign and  
 25 transfer all the rights, powers, privileges, benefits, and advantages conferred upon them by this Act, or any interests therein, to any person or persons or to any duly registered company; and upon any such transfer or assignment being signed or executed, the person or  
 30 persons or duly registered company in whose favour such transfer or assignment is made shall then stand in the place of the company, and shall have all the rights, powers, benefits, privileges, and advantages conferred upon the company by this Act.

Power to assign.

**42.** Nothing herein contained shall alter, repeal, or  
 35 otherwise affect the Public Works Act, 1912, or the Government Railways Act of 1901, or any Act amending the same.

Public Works and Government Railways Act not altered or repealed.

**43.** This Act shall bind the Crown.

**44.** In this Act the word "justices" shall mean  
 40 justices of the peace in and for the State of New

Interpretation clause.

South Wales; and when 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; the word "owner" shall mean any person who under the provisions of this Act would be able to sell land to the company, and the word "company" shall mean and include the said company, its successors, and assigns.

Short title.

**45.** This Act, whenever cited, shall be sufficiently described as the "Caledonian Collieries Railway Act, 1914."

## SCHEDULES.

### SCHEDULE ONE.

COMMENCING near the Abedare Extended Colliery in lot 23 of portion numbered 261, in the parish of Pokolbin, county of Northumberland, the lands of Caledonian Collieries, Limited, and running thence south-easterly, southerly, and south-easterly through lots 23 and 22 of the said portion, the lands of Caledonian Collieries, Limited, to a point approximately at the south-eastern angle of the said portion thence south-easterly through M.P. numbered 70 in the parish of Cessnock, in the said county, thence across a public road, and thence south-easterly and generally easterly through Crown lands, including portion numbered 20, and by a level crossing across Great Northern Coal Company, Limited, private railway; thence further easterly through M.P. numbered 17, M.L. numbered 13, and M.P. numbered 73; thence generally south-easterly through M.P. numbered 75, in which it passes through the north-east corner of the rifle range and through portion of the Kearsley village reserve to a point on the eastern boundary of the said parish of Cessnock, distant approximately 40 chains northerly from the south-eastern angle of the said M.P. 75; thence generally in an easterly and south-easterly direction through Crown lands in the parish of Stanford, in the said county, including another portion of the Kearsley village reserve and public roads therein, M.P. numbered 9, M.P. numbered 7, M.P. numbered 4, M.P. numbered 3; thence generally in a south-easterly direction through portion numbered 73, the lands formerly belonging to Joseph Newton, but now belonging or believed to belong to the estate of John Scholey, deceased, across a public road; thence through portions numbered 1 and 2, the lands of the Australian Agricultural Company, across a public road, and through portion numbered 3; the lands of Ann Scholey; thence across a public road, again generally in an easterly direction through Crown lands, being portions numbered 60, 61, 62, and 63, which lands are under mineral lease to Caledonian Collieries, Limited, numbered 10, thence through Crown

Crown lands in the parish of Mulbring in the said county, being portion numbered 97, to a point on the eastern boundary of the last-mentioned portion distant about 15 chains from its north-eastern angle; thence generally in a south-easterly direction through portion numbered 72 and 5 part of portion numbered 10, both in the said parish of Stanford, the lands of Ann Scholey and John Henry Clifton respectively, under a public road; thence further through another part of portion 10, the lands of the said John Henry Clifton; thence in a south-easterly direction further through portion 72, the lands of the said Ann Scholey; thence in a south- 10 easterly direction through portion numbered 126, in the said parish of Mulbring, the lands of William Chapple Hector, across a public road; thence south-easterly and southerly through part of portion 117, the lands of William Chapple Hector, Arthur Richard Monnox, and Henry John Chapple Hector, and through part of portion 118, the lands of 15 Thomas Vincent Foster; thence across a public road; thence southerly and south-easterly further through part of portion 117, the lands of Henry John Chapple Hector; thence south-easterly through portion 119, the lands of George Armstrong, deceased, and further through part of portion 118, the lands of George Armstrong, deceased; thence above 20 a public road; thence in a south-easterly and easterly direction further through another part of portion 118, the lands of George Armstrong, deceased; thence through portion 124, the lands formerly belonging to Charles Cowper and John Betts, but now belonging to or believed to belong to Clementina Catherine Jane Armstrong; thence through 25 portion 13A, the lands of George Armstrong, deceased; thence in a north-easterly direction through Crown lands being, M.P. numbered 1, in the parishes of Mulbring and Teralba, in the said county, to a point distant about 9 chains southerly from the north-eastern angle of the said M.P. numbered 1; thence easterly through Crown lands, being M.P. 30 numbered 2, in the said parish of Teralba; thence north-easterly and easterly through part of portion numbered 34, being the Killingworth Colliery, the lands of Caledonian Collieries, Limited; thence alongside the existing branch railway owned by the said company across a public road; thence easterly through lot 1, section Q, of the said 35 portion, the lands of John McGuinness; thence further easterly through another part of portion 34, the lands of Caledonian Collieries, Limited; thence generally in an easterly direction through portion numbered 50, the lands of Caledonian Collieries, Limited; thence easterly through parts of portion 31, the lands of Katherine Black, 40 Agnes Mathie Black, Ann Black, Clementina Black, and Caledonian Collieries, Limited; thence across a public road; thence further easterly through other parts of portion 31, the lands of Caledonian Collieries, Limited, and Katherine Black, Agnes Mathie Black, Ann Black, and Clementina Black, to a junction with the West Wallsend and Seaham 45 private railway line, the property of Caledonian Collieries, Limited, and Seaham Colliery Company, Limited, and over portions of the said private railway line and other parts of portion 31, the lands of Katherine Black, Agnes Mathie Black, Ann Black, and Clementina Black to a junction with the Great Northern Government railway at 50 a point approximately 15 chains to the west of Cockle Creek.

## SCHEDULE TWO.

Commencing at the Aberdare South Colliery, in course of development by Caledonian Collieries, Limited, situated in M.L. numbered 41, in the parish of Cessnock, county of Northumberland, generally in a northerly direction through Crown lands, including M.L. numbered 41 and M.L. numbered 21 (which were formerly M.L. numbered 32, M.L. numbered 34, M.L. numbered 21, M.P. numbered 25, M.L. numbered 37); thence generally in a northerly direction through portion numbered 65, being Crown lands in the parish of Stanford, in the said county, and through portions numbered 40 and 39, the lands of the estate of John Scholey, deceased, and portion numbered 41, the lands of Ann Scholey; thence across a public road; thence generally in a northerly and north-easterly direction through Crown lands, including portion numbered 64, M.P. numbered 9, and M.P. numbered 7, to a junction within the said M.P. numbered 7 with the railway route described in Schedule One above.

## SCHEDULE THREE.

Commencing at the Aberdare Colliery, operated by Caledonian Collieries, Limited, situated on S. R. numbered 1, in the parish of Cessnock, county of Northumberland, running thence generally easterly and south-easterly through M.P. numbered 73 and M.P. numbered 75, to a junction within the said M.P. numbered 75 with the railway route described in Schedule One above.

## SCHEDULE FOUR.

Commencing at a point situated in portion 31, in the parish of Teralba, county of Northumberland, on the said West Wallsend and Seaham private railway, jointly owned and operated by Caledonian Collieries, Limited, and the Seaham Colliery Company, Limited, distant about ninety-four chains in a westerly direction from the right bank of Cockle Creek at the Crossing thereof of the Great Northern Government railway; thence easterly, south-easterly, and easterly generally, parallel to and adjoining on the north the route of the railway described in Schedule One above, and the sidings to such railway through parts of the said portion 31, the lands of Caledonian Collieries, Limited, Seaham Colliery Company, Limited, Katherine Black, Agnes Mathie Black, Ann Black, and Clementina Black, to a junction with the Great Northern Government railway within the said portion at a point approximately 15 chains to the west of Cockle Creek.