

Commonwealth Portland Cement Company Railway.

COMMONWEALTH
PORTLAND CEMENT
COMPANY RAILWAY.

An Act to enable a company called the Commonwealth Portland Cement Company, Limited, to cross (in connection with the construction by them of a railway) with the said railway the public road from Portland village to Cullen Bullen, and the road from Portland village to Portland siding, and reserve No. 150, parish of Cullen Bullen, county of Roxburgh. [12th December, 1902.]

Preamble.

WHEREAS the Commonwealth Portland Cement Company, Limited, a company duly registered under the Companies Act of England, 1862-1893, and hereinafter designated the company, are carrying on the business of manufacturers and merchants of and dealers in cement and bricks and of merchants of and dealers in limestone, lime, shale, sand, and other kind of earth, minerals, metals, substances, articles, and things used in or in connection with the manufacture of cement, or with building on lands situate at Portland, and in order to facilitate communication between their works and quarries and the Mudgee railway it is desirous of constructing a railway from the said Mudgee railway to their said works, such railway, hereinafter called the said railway, to cross certain public roads referred to in the description of the route of the said railway as set out in the Schedule to this Act: And whereas the said mines are likely to prove beneficial to the State, and the public are concerned in promoting such an increase in and facilities for the supply of cement for local usage and export as would result from the construction of the railway, and the traffic on the Mudgee line would be increased thereby: And it is desirable to authorise the said company to use so much of the roads mentioned in the Schedule hereto as may be required for the purpose of the said railway, subject to the provisions hereinafter contained: 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:—

Authority to connect
railway with Mudgee
railway and to cross
roads.

1. It shall be lawful for the company in the construction of the said railway along the route described in the said Schedule to effect a junction with the said Mudgee railway at a point to be approved of by the Railway Commissioners, and to take and use so much of the roads as may be required for the purposes of the railway, but so that the same shall not occupy in any part thereof a greater space in breadth than sixty-six feet, including the supports and foundations thereof.

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2. For the purposes and subject to the provisions hereinafter contained it shall be lawful for the company, their deputies, agent, 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, or to raise or sink any road or way in order the more conveniently to carry the same over or under or by the side of the railway.

Power to divert or alter roads.

3. If the 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, and shall be applied for the purposes thereof; and every such penalty shall be recoverable with costs by action in any Court of competent jurisdiction.

Penalty for not substituting a road.

4. If in the course of making the railway the company shall use or interfere with any road they shall from time to time make good all damage done by them to such road, and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, such question will be referred to the determination of two justices, and such justices may direct such repairs to be made in the state of such road in respect of damage done by the company, and within such period as they may think reasonable, and may impose on the company for not carrying into effect such repairs any penalty not exceeding ten pounds per day as to such justices 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 company, and be applied for the purposes of such road.

Road repairs.

5. Every bridge erected for carrying any road over the said railway shall be built subject to the approval of the Minister for Public Works.

Construction of bridges over railroads.

6. Nothing in this Act contained shall be deemed to authorise the promoters to enter upon any lands belonging to the Railway Commissioners of New South Wales, or to alter or to interfere with the Government Railways or any of the works thereof, without the previous consent in writing in every instance of the said Railway Commissioners.

Promoters not empowered to enter land of Railway Commissioners.

7. 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 Government Railways, 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 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

Signals, &c., at junction.

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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.

Power to carry
passengers, &c.

8. 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, 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, with the approval of the Railway Commissioners, 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 hereby authorised to make such by-laws and regulations, subject to the approval of the Railway Commissioners, 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 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, to reduce the said rates, tolls, or dues, and to revise them in such manner as may seem proper and advisable.

By-laws respecting
traffic.

Proviso as to
rates, &c.

Interpretation clause.

9. In this Act the word "justices" shall mean justices of the peace in and for the State of New South Wales; and when any matter is authorised or required to be done by, or any penalty or forfeiture is recoverable before two justices, the expression "two justices" shall mean two justices assembled and acting together in petty sessions, or a stipendiary or police magistrate.

Short title.

10. This Act may be cited as the "Commonwealth Portland Cement Company Railway Act of 1902."

SCHEDULE.

Commencing at a point distant one hundred and ten miles and twenty-six chains from Sydney, on the Mudgee Railway, crossing the eastern boundary of reserve number one hundred and fifty, parish of Cullen Bullen, county of Roxburgh, at a distance of eighty-four minutes six seconds from the south-east corner of the said reserve; thence in a north-westerly direction to the north-west corner of the same reserve; thence across the public road leading from Portland Siding to the village of Portland, continuing in a north-westerly direction between the lease of four acres and twenty perches to the Cullen Bullen Lime and Cement Company and the Portland road until it crosses the public road from Portland to Cullen Bullen; thence to the eastern boundary of Thomas Murray's selection number fifty-three (now the property of the said company) at a point distant four hundred and ninety-eight feet from the south-east corner, thence to the new works.

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