

(Rough Draft for Consideration Only.)

No. , 1901.

A BILL

To divest the promoters of certain railways, and the Australasia Coal Company, and their representatives and assigns, of their respective estates in certain lands within the area known as the Newcastle Pasturage Reserve; to vest certain of the said lands in His Majesty and declare the same to be Crown lands within the meaning of the Crown Lands Acts; and to give effect to certain sales and disposals of lands within the said area.

WHEREAS by an Act passed in the thirty-first year of the reign Preamble. of Her late Majesty Queen Victoria, and intituled *An Act to enable James Brown, Alexander Brown, and Stephen Foyle to construct a Railway from certain Collieries near Newcastle to and to connect the same with the Great Northern Railway*, certain Crown lands which are included within the boundaries of the area known as the Newcastle Pasturage Reserve were vested in the persons designated promoters in the said Acts for the purposes of the said railway:

railway: And whereas an Act passed in the thirty-ninth year of the reign of Her late Majesty Queen Victoria and intituled *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*, certain Crown lands which are included within the boundaries of the said area were vested in the Australasia Coal Mining Company: And whereas parts of the said railways constructed under the said Acts on the said lands, and known as the New Lambton, Hartley Vale Colliery, and Australasia Coal Company's Railways respectively, have not been in use for the purposes for which they were authorised to be constructed under the said Acts for several years and are not now in use for the said purposes: And whereas it is desirable to divest the said promoters and company of their respective estates, interests, powers, rights, and benefits in respect of the said lands, and to discharge them from any duties, liabilities, and obligations imposed by the said Acts, and to declare those portions of the said lands which have not been resumed for public purposes to be Crown lands: And whereas certain portions of the lands vested in the said promoters were sold or otherwise disposed of by the Crown, and it is desirable to remove certain doubts which have arisen as to the validity of such sales and disposals: 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. This Act may be cited as the "New Lambton, Hartley Vale Colliery and Australasia Coal Company Railways Resumption Act, 1901." Short title.

2. The persons referred to in the first above recited Act as promoters, and their executors, administrators, and assigns, and the Australasia Coal Mining Company and its assigns, and all other persons (if any) having or claiming any estate or interest in the lands described in the Schedules A, B, and C to this Act, are hereby divested of all estates and interests vested in them, and of all powers, rights, and benefits conferred upon them and discharged from any duties, liabilities, and obligations imposed by the said Acts respectively in respect of the said lands; and such parts of the said lands as are described in Schedules A, D, and E to this Act are hereby vested in His Majesty and declared to be Crown lands within the meaning of the Crown Lands Act of 1884, and any Acts amending the same, free from all trusts, conditions, duties, liabilities, and obligations affecting the said lands and any persons in relation thereto, but subject to any sales or other disposals of such lands given effect to by section three of this Act: Promoters of railways in Newcastle Pasturage Reserve divested of estates, and lands declared Crown lands.

Provided that nothing in this Act shall annul the right conferred upon the Waratah Coal Company by an Act passed in the thirty-eighth year of the reign of Her late Majesty Queen Victoria and intituled *An Act to authorise the Waratah Coal Company to extend their line of railway by the construction of branches* to cross that portion of the New Lambton Railway described in Schedule A to this Act at the present intersection of that railway by the Waratah Coal Company's railway.

3. Every sale or other disposal by the Crown of lands within the railway lands described in Schedule A to this Act, and purporting to be made, under or by virtue of the Newcastle Pasturage Reserve Act, shall be deemed to have had and to have effect as if the Act first recited in this Act had not been passed. Sale of certain lands to have certain effect.

SCHEDULES.

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SCHEDULE A.

NEW LAMBTON RAILWAY.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales: All that piece and parcel of land commencing at the intersection of the south side of Russell-road by the New Lambton Railway, and following that railway in generally northerly and north-easterly directions to its intersection by a north-eastern boundary of portion No. 1,502, proposed to be dedicated as the Newcastle District Park,—being generally of a rectangular width of two chains, and known as part of the New Lambton Railway.

SCHEDULE B.

HARTLEY VALE COLLIERY RAILWAY.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales: All that piece and parcel of land commencing at the intersection of the east boundary of the Waratah Coal Company's measured portion No. 337 of 229 acres 2 roods and of the north boundary of Thomas Adams' measured portion No. 178 of 54 acres by the Hartley Vale Colliery Railway, following that railway in generally north-easterly and northerly directions to its intersection by the northern boundary of portion No. 1,504,—being generally of a rectangular width of two chains except at and about the C and D pits, where for a length of thirty chains at each pit the width may be five chains, and known as part of the Hartley Vale Colliery Railway.

SCHEDULE C.

AUSTRALASIAN COAL COMPANY'S RAILWAY.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales: All that piece and parcel of land commencing at the intersection of the south side of Russell-road by the Australasian Coal Company's Railway, following that railway in a north-easterly direction to its intersection of the western building line of Toccal-road,—being generally of a rectangular width of one chain or sixty-six feet, and known as part of the Australasian Coal Company's Railway.

SCHEDULE D.

HARTLEY VALE COLLIERY RAILWAY.

Part I.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales: All that piece and parcel of land commencing at the intersection of the east boundary of the Waratah Coal Company's measured portion No. 337 of 229 acres 2 roods and of the north boundary of Thomas Adams' measured portion No. 178 of 54 acres by the Hartley Vale Railway, following that railway in a generally north-easterly direction to its intersection by south-eastern boundary of the Great Northern Railway,—being generally of a rectangular width of two chains, except at and about the C and D pits, where for a length of thirty chains at each pit the breadth is about five chains, and known as part of the Hartley Vale Colliery Railway.

New Lambton, Hartley Valle Colliery, and Australasia Coal Co. Railways Resumption.

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Part II.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales : All that piece and parcel of land commencing at the intersection of north-western boundary of the Great Northern Railway by the Hartley Vale Colliery Railway, following that railway in a generally northerly direction to its intersection with the south-eastern boundary of the area resumed (vide Gazette, 14th May, 1895) from the Australasia Coal Company's Railway,—being generally of a rectangular width of two chains, and known as a part of the Hartley Vale Colliery Railway.

Part III.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales : All that piece and parcel of land commencing at the intersection of the north-western boundary of the area resumed from the Australasian Coal Company's Railway (vide Gazette, 14th May, 1895) by the Hartley Vale Railway, following that railway in a generally northerly direction to its intersection of the north boundary of portion 1,504,—being generally of a rectangular width of two chains, and known as a part of the Hartley Vale Colliery Railway.

SCHEDULE E.

AUSTRALASIA COAL COMPANY'S RAILWAY.

Description.

Parish of Newcastle, county of Northumberland and Colony of New South Wales : All that piece and parcel of land commencing at the intersection of the south side of Russell-road by the Australasia Coal Company's Railway, following that railway in a north-easterly direction to its intersection of the western building line of Tocal-road,—being generally of a rectangular width of one chain or sixty-six feet, and known as part of the Australasia Coal Company's Railway.