

An Act to amend the “Kiama Tramway Act
of 1883.” [29th June, 1888.]

KIAMA TRAMWAY
ACT AMENDMENT.

WHEREAS an Act, entitled the “Kiama Tramway Act of 1883,” Preamble.
was passed on the fourteenth day of April, one thousand eight
hundred and eighty-three, and whereas it is desirable to confer on the
Borough Council of Kiama extended powers, and to remove certain
doubts as to the surface area occupied by the Tram-lines on and along
Terralong-street, Kiama. Be it therefore enacted by the Queen’s Most
Excellent Majesty, by and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in Parliament
assembled, and by the authority of the same, as follows:—

1. This Act and the “Kiama Tramway Act of 1883,” herein- Construction.
after designated the “Principal Act,” shall be read and construed as
one Act.

2. In the first section of the Principal Act the word “twelve” Substitution of terms.
shall be substituted for the word “nine,” and the said Act shall be
read and construed as if such substitution had been made at the time
of the passing thereof.

3. The following portion of section six of the Principal Act Repeal of portion of
section 6 of Principal
Act.
commencing after the word “charges” in the fourth line thereof, that
is to say: “Provided that such charges shall be at all times divided
equally on all persons and after the same rate in respect of all materials
of the same description, and no reduction or advance in any such charge
shall be made either directly or indirectly in favour of or against any
person using the said Tramway,” shall be and is hereby repealed.

4. The whole of the ninth section of the said Act shall be and Repeal of section 9
of Principal Act.
is hereby repealed, and the following words shall be substituted in lieu
thereof and shall be deemed to be and may be cited as the ninth section
of the Principal Act, that is to say. It shall be lawful for the Borough Power to raise loan.
Council to borrow a sum of money not exceeding ten thousand pounds
sterling for the purpose of constructing the said Tramway and for
providing waggons or trucks and for the repayment of all sums of
money lent to the said Borough Council previous to the passing of this
Amending Act, and the amount may be raised by debentures or other-
wise on the security of the said Borough in addition to the security
provided for by the sixth section of the Act.

5. The Borough Council of Kiama may lease the Tramway to Power to lease
Tramway.
any person or persons, corporation or company willing to accept the
same, at such rate and for such period not exceeding ninety-nine years

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as shall be agreed on; and the lease to be executed shall contain all usual and proper covenants on the part of the lessee for maintaining the Tramway in good and sufficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereof granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature.

Conditions of lease.

6. Such lease shall entitle the lessee to whom the same shall be granted to the free use of the Tramway; and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the said Borough Council by virtue of the Principal Act or of this Act with regard to the possession, enjoyment, and management of the Tramway and the charges to be taken thereon shall be exercised and enjoyed by the lessee under the same regulation and restriction as are by the Principal Act or this Act imposed on the Borough Council; and such lessee shall with respect to the Tramway be subject to all the objections imposed by the Principal Act or this Act on the said Borough Council.

Power to mortgage.

7. It shall be lawful for the said Borough Council to mortgage the Tramway authorized to be constructed by the Principal Act and this Act, and the works, property, chattels, and effects of the said Borough Council connected therewith, and all rates, tolls, charges, profits, and receipts connected with the said Tramway accruing and hereafter to accrue to or for the use of the said Borough Council, and also to mortgage the land at Pike's Hill and other places adjacent thereto in the Borough of Kiama, which is now vested in the said Borough Council, and which is now being worked as a quarry for blue metal; and all rents, charges, profits, and receipts accruing and hereafter to accrue therefrom to or for the use of the said Borough Council as additional security for the repayment of any sum or sums of money which shall be borrowed by the said Borough Council under the power conferred on them by the ninth section of the Principal Act.

Penalty on default.

8. Upon default being made by the said Borough Council in payment of any principal sum and interest secured by any mortgage or mortgages made under the provisions of this Act it shall be lawful for the mortgagee or mortgagees to make application to the Supreme Court that a receiver of the said rates, rents, taxes, charges, profits, and receipts may be appointed as the case may be; and when appointed such receiver shall under direction of the said Court either carry on the working of the said Tramway or work the said land for the purpose of quarrying blue metal or both as the case may be, and such receiver may lease the said land for such time as the said Court may direct for the purposes of quarrying as aforesaid, and shall pay over to the said mortgagee or mortgagees from and out of the produce of such rates, tolls, rents, charges, profits, and receipts accruing from the working of the said Tramway and from the working or leasing of the said land or either of them at such times and in such proportions as may be ordered by the said Court the sum which the said Court shall have found to be due to the said mortgagee or mortgagees under the said mortgage or mortgages, and the said receiver shall in all respects have the same powers and be subject to the same obligations and liabilities as a receiver appointed under the Equitable Jurisdiction of the said Court, and shall continue either to carry on the working of the said Tramway or work the said land as aforesaid or both, and to receive the rates, tolls, rents, charges, profits, and receipts, or such of them, as may be so mortgaged as aforesaid, and pay them under such directions until such time as the said mortgage debt or debts and interest thereon shall be fully paid off.