

No. III.

MOUNT KEIRA
TRAMWAY
ACQUISITION.

An Act to give Legislative sanction to an agreement entered into between the Railway Commissioners of New South Wales and the Mount Keira Coal Company, for the purchase by the said Commissioners of part of the said Company's Tramway, together with the land on which the same has been constructed and all works and structures used in connection therewith, subject to the provisions and conditions herein expressed. [17th July, 1889.]

Preamble.

WHEREAS the Railway Commissioners of New South Wales (hereinafter termed "the Commissioners") have entered into an agreement with the Mount Keira Coal Company for the purchase of the portion of land described in the Schedule hereto, together with the tramway and all other works and structures used in connection therewith and being on such land, for the sum of Seven thousand five hundred pounds, in order that the Commissioners may be able to connect the Harbour of Wollongong with the Illawarra Railway. And whereas Legislative sanction is necessary to give legal effect to the said agreement, and to vest the said land and tramway in the said Commissioners. 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:—

Short title.

1. This Act may be cited as the "Mount Keira Tramway Acquisition Act."

Vesting of site of part
of tramway, &c., in
Commissioners.

2. On the passing and by virtue of this Act the portion of land described in the Schedule to this Act, being part of the Mount Keira Tramway, constructed under the authority of a private Act of Parliament passed in the year one thousand eight hundred and sixty, and intituled "*An Act to authorize the completion of a Tramroad from the Mount Keira Coal-mines to Wollongong Harbour*," together with the tramway and all other works and structures used in connection therewith, and being on such land, shall be vested in the Commissioners for and on behalf of Her Majesty for an estate in fee simple in possession but subject to the provisions of the "Government Railway Act of 1888."

Payment therefor.

3. Within thirty days after the passing of this Act the Colonial Treasurer shall pay out of the General Loan Account the sum of Seven thousand five hundred pounds to the Mount Keira Coal Company, or to such person as the Directors for the time-being of the said Company shall, by writing, appoint in that behalf to receive such sum. And such sum so paid shall be in full satisfaction of any claim or demand of the said Company, or any person or persons claiming through or under such Company or under the private Act of Parliament hereinbefore mentioned,

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mentioned, in respect of the said portion of land, and the tramway works and structures vested in the Commissioners pursuant to the last preceding section of this Act.

4. Save and except the liability and condition hereinafter mentioned, no contract, agreement, right-of-way, or of user or traction, and no liability of what kind soever in respect of that portion of the said tramway vested in the Commissioners by this Act, entered into, incurred, or which has or might have been exercised or claimed under or by virtue of the provisions of the said private Act, shall, after the passing of this Act, be held to attach to the Commissioners or to the portion of the tramway so vested in them. Provided that effect shall be given by the Commissioners to the provisions of the two following sub-sections:—

*As to contracts,
liabilities, &c.*

- (I) The Mount Keira Coal Company shall be entitled to haul and carry their coal in and by their own trucks, carriages, and engines on and over the tramroad or line so vested in the Commissioners at a rate to be paid to the Commissioners not exceeding one half-penny per ton per mile, at such time or times as the Commissioners shall by regulations to be made by them direct and appoint, but not otherwise. Provided that every engine-driver, guard, and other person employed upon the Company's engines, trucks, or carriages, shall while employed on or upon such tramroad or line, be subject to the provisions of the ninety-second section of the "Government Railways Act of 1888," in like manner in all respects as he would be if in the employ of the said Commissioners.
- (II) The agreement or obligation entered into by the said Company to widen certain bridges within the boundaries of the Borough of Wollongong shall attach to and be carried out by the Commissioners.

SCHEDULE.

Description of that part of the Mount Keira Coal Company's tramway lying between the Illawarra railway line and the harbour at Wollongong.

All that piece or parcel of land situate in the parish of Wollongong, county of Camden, and Colony of New South Wales, being a strip of land about one chain wide, fenced in, and known as that part of the Mount Keira Coal Company's tramway lying between the Illawarra railway line and the Mount Pleasant Coal Company's tramway, near Wollongong Harbour, containing six acres one rood thirty-nine perches, be the same more or less, exclusive of roads, and more particularly described and delineated and coloured red on the plan marked M. K. R. and signed by the Railway Commissioners of New South Wales, and deposited in the office of the said Commissioners, and being part of the land described in Schedule A of the "Mount Keira Tramroad Act of 1860."