



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XLIII.

AN ACT for the Purchase by the Government of Western Australia of the whole of the Interests of the West Australian Land Company, Limited, in Western Australia, including the Railway from Beverley to Albany, commonly called the Great Southern Railway.

[Assented to, 27th October, 1896.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Great Southern Railway Purchase Act.

Interpretation.

2. IN this Act, unless the context otherwise requires,—

“The Concession” means the Indenture bearing date the 25th day of October, 1884, made between Sir Frederick Napier Broome, K.C.M.G., Governor and Commander-in-Chief in and over the Colony of Western Australia and its dependencies, acting for and on behalf of the Government of Western Australia of the one part, and Anthony Hordern, of Toksowa House, Dulwich, in the county of Surrey, esquire (thereinafter called the Contractor), of the other part, which Indenture was ratified by the Legislature of Western Australia by the Act of the Forty-eighth year of Her present Majesty, numbered twenty-one.

“The Company” means the West Australian Land Company, Limited, registered in England, and which by assignment, dated 30th day of June, 1885, from the said Anthony Hordern has become proprietor of all his rights under the concession and of the Railway constructed thereunder, which assignment was confirmed by the Legislature of Western Australia by the Act of the Fifty-first year of Her present Majesty, numbered thirty.

“The Railway” means—

1. The railway from Beverley to Albany, including the permanent way thereof, together with all works, buildings, stations, erections, and things built thereon or affixed thereto; and
2. All lands on which the same are constructed, built, or erected, or to which the same are affixed; all lands used in connection therewith; all lands vested in or belonging to the Company, and all and every interest of the Company in any leasehold lands in Western Australia; and
3. All the rights of the said Anthony Hordern, and of the Company under the concession, and all moneys due or coming due to the Company for the purchase, leasing, or occupation of any of its lands or any interest therein; and
4. All plant, locomotives, tenders, carriages, trucks, rolling stock, steam engines, machinery, or any parts of the same; all furniture, tools, implements and appliances of every kind whatsoever; all stores and railway material belonging to the Company; all such rolling stock as is under order or on the way to Western Australia for the Company.

60° VICTORIÆ, No. 43.

Great Southern Railway Purchase Act.

3. THE Governor may purchase, for and on behalf of the Colony of Western Australia, at the price of One million one hundred thousand pounds, the Railway, together with all rights, privileges, powers, and advantages appurtenant thereto, which are vested in, conferred on, or enjoyed by the Company, or any person or body claiming through or under the same; and such purchase shall constitute and be a complete settlement of all matters in dispute between the Colony and the Company.

Governor may purchase railway.

4. UPON the payment by the Governor of the purchase money aforesaid, the Railway and all the appurtenances thereof in the last preceding section mentioned shall, without the necessity of any transfer, release, or connecting title other than this Act, be transferred and released to, and vested in Her Majesty the Queen, discharged from all claims and demands on the part of the shareholders of the Company and all other persons whomsoever.

The railway and all rights, etc., appurtenant thereto to vest in the Crown on payment of the purchase money.

5. ALL land purchased by the Governor under this Act shall be revested in Her Majesty the Queen as of her former estate, and, except such part thereof as may be required for railway purposes, may be dealt with as waste lands of the Crown.

Lands not required for purposes of railway to revest in the Crown as waste lands.

6. IF the Governor purchases the Railway under the powers by this Act conferred upon him—

(a.) The Governor, if he shall see fit, may make such a settlement with the Company as he may deem expedient in regard to any contracts entered into by the Company relating to the maintenance, construction, and working of the Railway;

Power to make settlement as to the company's contracts.

(b.) No sum of money shall be payable or paid by the Governor to any officer or servant of the Company by way of compensation for any loss of office or employment suffered by such officer or servant by reason of the purchase of the Railway, or to any person or body for any debts or liabilities of the Company.

Governor not to compensate officers of company or discharge its liabilities.

7. THE Governor is authorised for the purposes of this Act, and in the manner provided by The General Loan and Inscribed Stock Act, 1884, to cause to be issued Inscribed Stock of the Colony of Western Australia, for the sum of One million One hundred thousand pounds.

The Governor may cause Stock to be issued.

8. THE payment for the purchase of the said railway shall be made in Inscribed Stock of the Colony of Western Australia valued at par, and such Stock shall be issued on or after the first day of December, 1896, to such person or persons as shall be duly authorised

Defrayment of cost of purchase.

60° VICTORIÆ, No. 43

Great Southern Railway Purchase Act.

Evidence of completion of purchase and payment in full of all demands.

by the Company to receive the same; and the inscription of such Stock in the register kept in London by the Bank which shall be authorised to inscribe such Stock, shall be conclusive evidence of the completion of the purchase of the railway and of the payment of the purchase price thereof by the Governor, and shall also be conclusive evidence that all matters in dispute between the Colony and the Company have been finally settled, and that all claims and demands on the part of the Company against the Colony, and on the part of the Colony against the Company, have been duly paid and satisfied. Provided that nothing in this Section contained shall affect or prevent the settlement of the usual current traffic accounts between the Colony and the Company.

Proof of Inscription of Stock.

9. THE Governor, on receipt of intelligence from the said Bank of the inscription of such Stock, shall, by Proclamation published in the *Government Gazette*, notify that such Stock has been inscribed in the register kept in London as aforesaid, and such Proclamation shall be received in all Courts of the Colony as conclusive evidence of the inscription of such Stock in accordance with the provisions of the Act, and judicial notice shall be taken of such Proclamation.

Redemption of Inscribed Stock.

Rate of interest.

Redemption optional after 1st December, 1916.

10. THE stock issued under the provisions of this Act shall be redeemable not later than the first day of December, 1936, and shall bear interest at the rate of Three pounds per centum per annum, payable half-yearly on the first day of June and the first day of December in every year: provided that it shall be optional with the Government of Western Australia to redeem the said Stock on or after the first day of December, 1916, on giving twelve calendar months notice by advertisement in the *London Gazette* and in the *Times* newspaper, or by post to the then stock-holders at their registered addresses.

Contribution to Sinking Fund.

11. NOTWITHSTANDING anything contained in the General Loan and Inscribed Stock Act, 1884, the contributions to the Sinking Fund for the repayment of the sum by this Act authorised to be paid, shall be One pound ten shillings per centum per annum, payable half-yearly, and shall commence from the date of the first issue of the Inscribed Stock.

Principal and interest charged on Revenue.

12. THE principal moneys and interest secured by the Stock to be created, under the authority of this Act, shall rank *pari passu* with the principal moneys and interest raised and secured by the Stock created and sold under the Loan Act, 1891, and all subsequent Loan Acts, and are hereby charged upon and shall be payable out of the Consolidated Revenue Fund and Assets of the Government

60° VICTORIÆ, No. 43.

Great Southern Railway Purchase Act.

of Western Australia, and shall constitute a charge thereon, subject to the prior charges mentioned in the fourth section of the Loan Act, 1891.

13. THE Governor may from time to time appoint any person or persons in his name, and for and on behalf of the Colony to execute any of the powers vested in the Governor by this Act, and for that purpose to enter into negotiations for and to sign and execute all such agreements, contracts, discharges, and other documents as may be necessary or expedient in or about the purchase of the Railway under the provisions of this Act, and everything done by such person or persons shall be binding upon the Colony.

Governor may delegate his powers.

14. NOTHING contained in this Act shall render the Governor personally liable for anything done or omitted to be done by him under this Act.

Governor not liable.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.