

1892.

NEW ZEALAND

AGREEMENT RE BRUNNERTON TO GREYMOUTH RAILWAY-LINE

BETWEEN RAILWAY COMMISSIONERS AND NEW ZEALAND MIDLAND RAILWAY COMPANY

Laid upon the Table of the House in pursuance of Section 172 of "The Public Works Act, 1882."

NEW ZEALAND MIDLAND RAILWAY

MEMORANDUM of AGREEMENT between the NEW ZEALAND GOVERNMENT RAILWAY COMMISSIONERS and the NEW ZEALAND MIDLAND RAILWAY COMPANY (LIMITED) for the exercise of Running-powers by the Company over the Government Railway from Brunnerton to Greymouth.

In pursuance of the powers of an Act of the General Assembly of New Zealand intituled "The Government Railways Act, 1887," and of a contract entered into between Her Majesty the Queen and the New Zealand Midland Railway Company, and dated the 3rd day of August, 1888, the New Zealand Railway Commissioners incorporated under the said Act (hereinafter termed "the Commissioners") hereby agree with the Zealand Midland Railway Company (Limited), a joint-stock company carrying on business in the City of Christchurch, in New Zealand, and elsewhere, and having its head office at No. 79, Gracechurch Street, in the City of London, in England (which, with its successors and assigns, is hereinafter referred to as "the company"), for the exercise of running-powers by the company over the Government railway from Brunnerton to Greymouth upon the following terms:—

1. For the purposes of this agreement the commencement of the company's railway at Brunnerton shall be deemed to be at the crossing over the main road to Reefton, about 25 chains eastward from Brunnerton Station.

2. Passengers, goods, and parcels will be booked between stations on the Government and company's railways respectively

3. The Commissioners' trucks may be run on the company's railway and the company's trucks on the Government railway

4. The company's trucks shall not be used for local traffic on the Government railway, nor shall the Commissioners' trucks be used for the company's local traffic.

5. In the event of there not being sufficient trucks and sheets in Greymouth belonging to the company for the purpose of working through traffic, the company will be allowed to work their empty trucks to Greymouth from their dépôt at Stillwater, subject to the requirements notified by the Commissioners' officer in Greymouth to the company's traffic manager.

6. One clear day, in addition to the day of arrival at and return to the junction, will be allowed before charges for demurrage are made on the Commissioners' wagons.

7. All wagons and sheets received from the Government railway at the junction by the company after 4 p.m. shall be signed for as if received by the company on the following day

8. When the Commissioners' rolling-stock is used by the company the charges for trucks will be as follows:—

For all four-wheeled trucks

0½d. per mile

For double-bogie trucks

1d. "

computed in each case on mileage run by trucks loaded or empty, on all goods, vehicles, and vans except coal-trucks.

9. The company in exercising its running-powers over the Government railway, will supply the rolling-stock and proper skilled labour necessary to convey over the Government railway all through traffic arising on the company's railway for all stations on the Government railway, and all through traffic arising on the Government railway for stations on the company's railway to the Commissioners' satisfaction. The Commissioners shall perform the terminal services usually carried on by the station staff at the Government railway-stations, in booking passengers, and in booking,

receiving, and delivering goods. The company's trains shall be taken charge of on arrival at Greymouth, and shall be made up for despatch thence by the Commissioners' staff, the company's engine assisting when required.

10. The company shall not carry on the Government railway any traffic originating and terminating upon the Government railway.

11. Time-tables for the company's trains running on the Government railway must be subject to the Commissioners' approval, they must be so arranged as not to interfere with the Commissioners' trains and traffic.

12. Demurrage will be charged on the Commissioners' wagons detained beyond the prescribed time, 4s. a day or part thereof for each wagon. Full demurrage collected by the Commissioners on account of the company's wagons shall be paid to the company.

13. The company will be charged 4d. per mile for the Commissioners' sheets when in use, such sheets will be subject to the same conditions for return as the Commissioners' wagons. No charge will be made on sheets for the return journey when not in use.

14. Demurrage on the Commissioners' sheets will be charged at the rate of 1s. per day. Full demurrage collected by the Commissioners on account of the company's sheets shall be paid to the company.

15. Sundays, and days when goods-traffic is suspended, must not be counted in computing demurrage.

16. The company's officers shall act under the instructions issued from time to time by the New Zealand Railway Commissioners, or any person acting on their behalf, in accounting for and dealing with all interchanged traffic, and shall render such returns to the Railway Accountant, New Zealand Government Railways, as may be required by such instructions.

17. The Commissioners shall be responsible for causing to be collected from the consignees or other persons all proper charges on behalf of the company which the company is legally entitled to charge and collect for goods and passengers which have passed over the railway which charges may have been properly way-billed and otherwise notified by the company's officers to the receiving-stations on the Government railway, in accordance with the by-laws and other instructions in operation on the New Zealand Government railways.

18. The company shall, similarly be responsible for collecting the Commissioners' railway-charges on through goods and passengers.

19. All the company's servants entering and using the Government railways shall be subject to the instructions and obey the orders of the officers of the Commissioners while thereon and the company shall not at any time allow any of its servants to enter on the Government railway if forbidden by the Commissioners' officers, and all the officers of the Commissioners entering and using the company's railway shall be subject to the instructions and obey the orders of the officers of the company while thereon, and the Commissioners shall not at any time allow any of their servants to enter on the company's railway if forbidden by the company's officers.

20. The Commissioners shall cause the accounts for interchanged traffic to be compiled and audited for each four weeks or thereabouts, in accordance with the practice on the New Zealand Government railways, and shall cause accounts to be rendered to the company within four weeks or thereabouts after the close of each accounting period, and there shall be a settlement of account as between the Government railway and the company's railway by cash-payment of the balance due from one to the other respectively as may be ascertained from such audited account.

21. The company shall permit any officer duly appointed by the Commissioners to examine any traffic accounts on its railway if necessary for accounting and auditing purposes, and similarly the Commissioners shall permit any duly-appointed officer of the company to examine any traffic accounts of the Government railway relating to traffic interchanged with the company's railway.

22. The rates, fares, and charges for the conveyance of all passengers, parcels, and goods upon the company's railway shall be fixed by the company.

23. The company shall supply the Commissioners with schedules of such rates, fares, and charges in the forms attached, and the Commissioners will cause the same to be gazetted. All such rates, fares, and charges to be used subject to the general regulations in operation on the New Zealand Government railways. Such rates, fares, and charges will be in addition to the rates, fares, and charges which are made by the Commissioners for the conveyance of passengers and goods, and the transactions in connection therewith, upon the Government railway unless otherwise specified.

24. For passengers and goods hauled by the company over the Government railway the company shall receive, in addition to the rates charged upon the company's railway, 40 per cent. of the mileage rates charged by the Commissioners on the Government railway. Such mileage rates will be arrived at by deducting from the rates for the Government railway, as published in the *New Zealand Gazette* from time to time under the seal of the Commissioners, the following sums by way of terminal charges—namely, 2d. per passenger, 2s. per ton, Classes A, B, C, D, E, H, 1s. per ton, Classes F, K, L, 5s. per truck, Class M 9d. per ton, Classes N, Q. Such terminal charges will be retained by the Commissioners.

The following exceptions will be made to the aforesaid division. For parcels hauled by the company over the Government line, the Commissioners will retain 3d. for each parcel not over 14lb., 4d. for each not over 28lb. 5d. for each not over 56lb. 6d. for each not over 84lb., 8d. for each not over 112lb. The balance of parcel-rates shall be apportioned to the company.

Three shillings a truck will be charged by the Commissioners for coal for locomotive purposes for the company's use, taken delivery of by the company at Brunner carried to the company's stations the charge payable to the Commissioners by the company for all other coal taken from Brunner by the company to stations on the company's railway will be 1s. per ton.

25. The rates for small lots of goods shall be arrived at on the basis of the through goods-rates charged on the Government railway added to those charged on the company's railway. Division of these charges between the Commissioners and the company will be made as provided in clause 24.

26. For carts, drays, small lots of cattle, sheep, goats, and pigs, the rates and charges will be charged according to the rates gazetted from time to time. The division of charges will be made *pro ratâ* according to mileage.

27. The company shall be responsible for payment for all damages or losses to persons or property occurring on the company's railway, unless such damage or loss is clearly traceable to the negligence or error of any of the Commissioners' servants, or to the defect of any of the Commissioners' stock or appliances.

28. The Commissioners similarly shall be responsible for payment for all damages or losses to person or property occurring on the Government railway, unless such damage or loss is clearly traceable to the negligence or error of any of the company's servants, or to the defect of any of the company's stock or appliances.

29. The company's rolling-stock shall be correctly tared, numbered, and lettered, to distinguish it from the Commissioners' stock.

30. The company shall pay the Commissioners for all tickets and stationery issued to the company's stations.

31. The Commissioners or the company respectively at any time may cause rolling-stock the property of the other to be put off the company's or Commissioners' trains respectively if defective or dangerous, and may forbid such stock from running on the Government railway and the company's railway respectively until such defect or dangerous conditions be amended by the company or Commissioners respectively. In such cases, due notice being given, demurrage will not accrue.

32. The company shall nominate an officer in charge of its railway with whom the District Manager of the Government railway at Greymouth may communicate for the purpose of carrying on the traffic in terms of this agreement.

33. The Commissioners will not supply any coal-hopper trucks for interchange of traffic.

34. The Commissioners will not pay any demurrage on the company's trucks detained at Greymouth, either for loading or unloading, when the delays are occasioned by the failure of ships to receive or deliver goods of any kind, or through failure of works or appliances on the Government railways, nor will they be responsible for any losses to the company arising from such delays or accidents. The Commissioners reserve the right to return to the company by the company's trains trucks and goods of any kind if the consignees fail to take delivery when called upon. The company in like manner shall not be held responsible for similar delays and accidents upon the company's railway, and may return goods if delivery is not taken by the consignees.

35. Nothing in this agreement will be held to apply to coal carried by rail for export by sea. This agreement shall come into force on the 25th day of July 1892.

Signed on behalf of the New Zealand Midland Railway Company (Limited)	{ THE NEW ZEALAND MIDLAND RAILWAY COMPANY (LIMITED), By its Attorney, ROBERT WILSON
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The common seal of the New Zealand Railway Commissioners
was hereunto affixed this 14th day of July, in the (L.S.)
presence of

JAMES MCKERROW, J P MAXWELL, W M. HANNAY,	{ The New Zealand Railway Commissioners.
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E G. PILCHER, Secretary, Wellington.

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