

1882.  
NEW ZEALAND.

# WAIMEA RAILWAY COMPANY

(MEMORANDUM OF AGREEMENT AND DEED OF MORTGAGE *RE*).

*Return to an Order of the House of Representatives, dated 7th July, 1881.*

“That a return be laid before this House, and printed, of the terms and conditions upon which the sum of £40,000 (or whatever the sum may be) was advanced to the Waimea Plains Railway Company. The return to show when the money will be, if not now, repaid; interest payable, when and how; and the security given for such loan. Also any moneys that may have been advanced to assist any other railway companies within the colony; the particulars to be supplied as asked for in the case of Waimea Plains Railway Company.”—(*Mr. Shanks.*)

## MEMORANDUM OF AGREEMENT.

MEMORANDUM of Agreement made this thirty-first day of March, in the year of our Lord one thousand eight hundred and eighty, between Her Majesty the Queen, of the one part, and the Waimea Plains Railway Company (Limited) (hereinafter called “the company”), of the other part.

WHEREAS the company lately issued its mortgage debentures, numbered consecutively from one (1) to seven hundred and fifty (750) inclusive, each of such debentures being for the sum of one hundred pounds, payable thirty years after date, and having coupons attached thereto for interest on the amount represented thereby at the rate of six pounds per centum per annum: And whereas the company did, on or about the thirty-first day of July, one thousand eight hundred and seventy-nine, deposit the said debentures with the Colonial Bank of Australasia at Melbourne, in the Colony of Victoria, as security for an overdraft of thirty thousand pounds allowed and advanced by the said bank to the company, and charged the whole of the said debentures with the payment of the said sum of thirty thousand pounds and interest thereon, it being agreed that the said bank should send the said debentures to its agents, the London Joint-Stock Bank in London, and that such debentures should from time to time be sold by the said London Joint-Stock Bank at such prices as should appear to the said bank advisable; provided that the minimum price at which such debentures should be sold should be such a sum as would only yield to the purchaser interest on the amount of his purchase-money at the rate of seven pounds per centum per annum at the place where the coupons attached to the said debentures are payable: And whereas the said debentures were sent for sale to the said London Joint-Stock Bank accordingly, but the said bank has hitherto been unable to sell the same or any of them: And whereas by the Act of the General Assembly of New Zealand shortly entitled “The Public Works Act, 1879,” it is provided that it shall be lawful for the Governor in Council from time to time, on being satisfied that the expenditure on any of the district railways specified in the Fourth Schedule to the said Act (which schedule includes the railway of the Waimea Plains Railway Company (Limited) by the company constituted for the purpose of constructing the same has been economically expended, to guarantee, upon such terms and conditions, and subject to receiving such security as the Governor in Council may approve, the debentures or mortgages to be given by any such company for a sum in the aggregate not exceeding seventy-five per centum of the expenditure of the company upon the construction and laying of any railway-line constructed by them, and the erecting and building of any buildings and erections, and the purchase of rails or rolling-stock in connection therewith, being the property of the company: And whereas the company have applied to the Governor in Council to guarantee a portion of the said debentures so issued by the company as aforesaid: Now these presents witness that it is hereby agreed by and between Her Majesty the Queen and the company as follows:—

1. The company shall, without any unnecessary delay, obtain from the Colonial Bank of Australasia or the said London Joint-Stock Bank, and shall deposit with the Agent-General for the Colony of New Zealand, in London, four hundred of the said debentures so issued by the company as aforesaid.

2. So soon as the said four hundred debentures shall have been deposited with the Agent-General, the Governor of the Colony of New Zealand (hereinafter referred to as “the Governor”) shall execute an instrument in writing under his hand, pursuant to the provision in that behalf contained in “The Public Works Act, 1879,” guaranteeing such four hundred debentures on behalf of the colony.

3. Her Majesty shall, out of such moneys as may be legally applicable to such purpose, advance to the company from time to time, by way of loan, upon the security of the said debentures, a sum not exceeding forty thousand pounds.

4. The said four hundred debentures shall be and the same are by the company charged with the payment of the moneys so to be advanced, and interest thereon at the rate of seven pounds per centum per annum.