

1853-4.

VICTORIA.

MELBOURNE, MOUNT ALEXANDER,
AND
MURRAY RIVER RAILWAY COMPANY.

CORRESPONDENCE

BETWEEN THE

GOVERNMENT AND THE ABOVE COMPANY.

LAI D UPON THE COUNCIL TABLE BY THE COLONIAL SECRETARY,

BY COMMAND OF

HIS EXCELLENCY THE LIEUTENANT GOVERNOR,

AND

ORDERED BY THE COUNCIL TO BE PRINTED,

6th April, 1854.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

CORRESPONDENCE, &c.

[COPY.]

G.B.

659

54 | 2743

Colonial Secretary's Office,
Melbourne, 8th March, 1854.

SIR,

I am directed by His Excellency the Lieutenant Governor to express his extreme regret at the unexpected delays which have as yet attended the commencement of the Railroad to Williamstown, delays which (without imputing blame to any) are most prejudicial to the welfare of the Colony.

2. His Excellency has not failed to observe the distrust in the present management evidently shewn by the Legislature, and also the manifest reluctance of the Public to invest in the Shares of that Railway Company.

3. I am, therefore, desired to enquire whether the Proprietors would be willing to surrender their rights and property to the Government, and to consent to a Repeal of the Act of Incorporation, of 16th Victoria, on receiving a full re-payment of all sums expended by them, exclusive of the Five thousand pounds advanced to them by the Government, with interest at the rate of five per cent. from the date of such payment, all property of the Company's, Buildings, Plans, Drawings, &c., to be handed over to the Government. The Government, however, do not agree to become, directly or indirectly, responsible for any liabilities of the Company.

£5000.
5 per cent.

4. These sums, subject to the approval of the Legislative Council, His Excellency is willing to offer to the Company, being convinced that the work can be executed more expeditiously by Government than by the enterprise of a Private Association.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

JOHN FOSTER.

The Chairman of the Melbourne,
Mount Alexander, and Murray River Railway Company,
Melbourne.

[COPY.]

Melbourne, Mount Alexander, and
Murray River Railway Company,
Melbourne, 10th March, 1854.

To the Honorable
The Colonial Secretary of Victoria.

SIR,

I am instructed by the Board to acknowledge the receipt of your Letter of the 8th instant, No. 54 | 2743, in which you express His Excellency the Lieutenant Governor's "extreme regret at the unexpected delays which have as yet attended the commencement of the Railroad from Melbourne to Williamstown," and enquire whether the Proprietors would be willing to surrender their rights and property to the Government, and to consent to a Repeal of the Act of Incorporation, on certain terms therein mentioned, subject to the confirmation of the Legislative Council.

I am further instructed to inform you, that that Letter was laid before the Board this day, and received their due consideration; but there are two clauses which are so objectionable, as to prevent the Directors from entertaining the proposition, because they think them manifestly unjust, both to the Shareholders and to themselves.

The first is the adoption by His Excellency of "the distrust manifested by the Legislative Council in the present management of the Company." This the Directors think unjust towards themselves, and regret the Government should seem to countenance that feeling which *they* are aware arose from other circumstances than any neglect on the part of the Directors in managing the affairs of the Company.

The other clause is the concluding sentence of paragraph 3, and states, "that the Government, however, do not agree to become, in any way, directly or indirectly, responsible for any liabilities of the Company."

With this proposition the Directors feel it would indeed be unjust to come before the Shareholders. If such an arrangement is made as the Government propose, namely, a surrender of the rights and property of the Company into their hands, it must certainly be on the understanding that all the liabilities whatever of the Company are to be undertaken by the Government, and on no other condition would the Board feel justified in laying such a proposition before the Shareholders.

Her Majesty's Government are probably aware, that the Directors have entered into a Contract for a portion of the Pier and Works at Williamstown, and they have also entered into engagements relative to the London Agency.

Any offer, therefore, of the above nature must embrace a total indemnification of the Shareholders from all the liabilities incurred by the Directors, on behalf of the Company; and if Her Majesty's Government think proper to make a fresh proposition,—such an one as the Directors deem just, and equitable to them, the Board will feel it to be their duty to submit it at once to the Shareholders.

I have the honor to be, Sir,
Your most obedient servant,
(Signed) JOSH. J. NEWITT, Secretary.

[COPY.]

G.B.

729

54 | 3044

Colonial Secretary's Office,
Melbourne, 16th March, 1854.

SIR,

I have received, and laid before the Lieutenant Governor, your Letter of the 10th instant, in reply to the proposition contained in my communication of the 8th, No. 2743, to purchase from the Company the Williamstown line of Railway, and in reference to that part of it in which you state that the Directors cannot place before the Shareholders the proposal of the Government in its present shape, *i.e.*, while the Government decline to undertake the liabilities of the Company, I am directed by His Excellency to request that you will state to the Directors that, as they must be aware, the proposal of the Company is at present before the Government only in an indefinite form.

2. I have, therefore, the honor to inform you, that to enable the Government further to entertain the subject, it will be necessary for them to be furnished with a Schedule of the liabilities which, in the event of such an arrangement being carried out, the Company would expect them to undertake.

I have the honor to be, Sir,
Your most obedient servant,
(Signed) JOHN FOSTER.

The Secretary of the Melbourne,
Mount Alexander, and Murray River Railway Company,
Melbourne.

[COPY.]

Melbourne, Mount Alexander, and
Murray River Railway Company,
Melbourne, 17th March, 1854.

The Honorable
The Colonial Secretary of Victoria.

SIR,

I have the honor to acknowledge the receipt of your letter of the 15th instant, No. 54 | 3044, respecting the proposition of the Government for the purchase of the Williamstown line of Railway; and stating, "that to enable them further to entertain the subject, it would be necessary for the Government to be furnished with a Schedule of the liabilities which, in the event of such an arrangement being carried out, the Company would expect them to undertake."

By direction of the Board I now beg to enclose a statement of the liabilities of the Company (ascertained as correctly as possible), on reference to which it will be seen that they amount to £9523 16s. 8d. But as it is impossible for the Directors to know exactly what expenses have been incurred by the Agent of the Company in London, and as there will be some expenses necessarily incurred in winding up the affairs of the Company, they would not feel justified in accepting less than the sum of £10,500, to enable them to discharge those liabilities.

If the Government should be willing to purchase the rights and property of the Company for this sum, the Directors, on receiving a notification to that effect, will without delay convene a meeting of the Shareholders, and submit the proposal to them for their consideration and decision.

It must, however, be understood, that if the arrangement is finally carried out and completed, the expenses attending a repeal of the Company's Act of Incorporation and transferring the Property of the Company to the Government, must be borne by the Government; and also, that the Company shall be freed from all responsibility connected with the Contract entered into with Messrs. Hope and Mackenzie, for the construction of the Pier, &c., at Williamstown.

I have the honor to be, Sir,

Your most obedient servant,

(Signed) JOSH. J. NEWITT, Secretary.

MELBOURNE, MOUNT ALEXANDER, AND MURRAY RIVER RAILWAY COMPANY.

LIABILITIES.			PROPERTY BELONGING TO THE COMPANY TO BE HANDED OVER TO THE GOVERNMENT IN THE EVENT OF THE PURCHASE BEING COMPLETED.		
	£	s. d.		£	s. d.
To Amounts paid by Shareholders	11505	0 0	Buildings (Offices, &c.), cost as per		
„ Interest due thereon, at 5 per cent. to April 5th, 1854	396	4 11	Contract	4286	7 0
„ Expenses connected with the London Agency, Mr. Ginn's Salary from December 3rd, and expenses incurred by him in London, estimated at	1000	0 0	Furniture	223	0 6
„ Salary Abstracts for April and March	400	0 0	Horses and Tent equipment, cost . .	250	0 0
„ Sundry small accounts, about . .	200	0 0	Engineering expenses incurred in Plans, &c., of, and in staking out the Williamstown Line	500	0 0
„ Contract entered into with Messrs. Hope and Mackenzie for Pier, &c., at Williamstown, amounting to £13425				5259	7 6
	13501	4 11	Legal expenses obtaining Act of Incorporation, Official Salaries, Books, Scrip, Printing, Advertising, and conducting the general business of the Company	4264	9 2
Deduct Cash at Bankers . .	3977	8 3			
	£9523	16 8		£9523	16 8

[COPY.]

G.B.

810

54 | 3359

Colonial Secretary's Office,
Melbourne, 22nd March, 1854.

SIR,

I have the honor to acknowledge the receipt of your Letter of the 17th instant, in which, in reference to the proposition of the Government to purchase the Williamstown Line, you enclose a Schedule of the liabilities of the Company, which I have submitted to the Lieutenant Governor.

2. In reply, I have it in command to request you will inform the Directors that the statement furnished is not clear and full enough to be a sufficient guide to the Executive in its consideration of the subject.

3. I will direct their attention, in the first place, to the fact of no explanation being afforded as to the £5000 advanced by the Government on the 19th October, 1852, for preliminary expenses; and, secondly, I am to point out to them that the satisfaction of the Contract entered into with Messrs. Hope and Mackenzie should devolve upon the Company, and not on the Government.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

JOHN FOSTER.

The Secretary to the Melbourne,
Mount Alexander, and Murray River Railway Company,
Melbourne.

Melbourne, Mount Alexander, and
Murray River Railway Company,
Melbourne, 27th March, 1854.

SIR,

I have the honor to acknowledge the receipt of your Letter of the 22nd instant (54 | 3359), respecting the purchase of the Railway by the Government, and in which you request I will inform the Directors "that the statement of the liabilities of the Company, enclosed in my Letter of the 17th instant, is not clear and full enough to be a sufficient guide to the Executive in its consideration of the subject:"—and "directing their attention, in the first place, to the fact of no explanation being afforded as to the £5000 advanced by the Government for preliminary expenses," and "secondly, pointing out to them, that the satisfaction of the Contract entered into with Messrs. Hope and Mackenzie should devolve on the Company, and not on the Government."

I now beg to enclose a Schedule of Payments, shewing how the Government Grant of £5000 has been expended, the Vouchers for which can be produced if desired.

With respect to the Contract entered into for the construction of the Pier, &c., at Williamstown, the Directors have ascertained from Messrs. Hope and Mackenzie, that in the event of the purchase of the Railway by the Government being completed, they will consent to the Contract being cancelled on receiving the sum of £5000 to cover the expenses they have already incurred in making preparations for commencing the works and as compensation for relinquishing the undertaking.

I am, therefore, instructed to inform you that the Directors are willing to bring before the Shareholders the offer of the Government to purchase their rights and privileges for the sum of £15,500 (being the amount of the above sum to be paid to Messrs. Hope and Mackenzie as compensation, added to the £10,500 required for discharging the other liabilities of the Company, as stated in my letter of the 17th instant, No. 105 | 1), upon receiving an intimation from the Government that they are willing to make the purchase for that sum; it being at the same time understood, that the Government is not to be responsible for any of the liabilities of the Company, nor are the Company to bear any expense whatever in obtaining a repeal of the Act of Incorporation, or transferring their rights and property to the Government.

I have, &c.,
(Signed) JOSH. J. NEWITT, Secretary.

To the Honorable
The Colonial Secretary of Victoria.

MELBOURNE, MOUNT ALEXANDER, AND MURRAY RIVER
RAILWAY COMPANY.

SCHEDULE, shewing the payments to which the sum of £2000 (received from Her Majesty's Government towards the Grant of £5000 made by His Excellency the Lieutenant Governor, for the Survey and Preliminary Expenses) has been applied.

SURVEY.

		£	s.	d.
1853.				
January 6	Paid Mr. Harrison, Engineer to the Company, on account...	205	0	0
" 13	" Balance of his account rendered to 31st December, 1852	180	0	0
February 5	" On account of Outfit, &c.	400	0	0
March 18	" Ditto, further	50	0	0
" 23	" Ditto, ditto	100	0	0
April	" Balance of account rendered to 31st March, 1853	335	0	6

PRELIMINARY EXPENSES.

January 13	To Secretary's Salary to 31st December, 1852, and £4 11s. paid by him for Books	199	13	7
"	" <i>Argus</i> , for advertising, to 30th September, 1852	50	19	0
"	" <i>Morning Herald</i> , ditto ditto	78	1	0
" 27	Paid Mr. De Boos, shorthand writer, for Reports	14	18	0
"	" Mr. Webb, ditto	4	13	0
April 8	" Secretary and Clerk, a Quarter's Salary each, 31st December to 31st March, and Postages of Prospectuses, expenses Geelong.	128	11	11
"	" <i>Argus</i> Office, for Printing Act of Incorporation, Advertising, &c.	301	5	6
"	" <i>Auction Mart</i> , for Advertising	32	19	9
"	" <i>Morning Herald</i> , ditto	31	0	6
"	" Mr. Ham for Lithographing Plans	15	0	0
"	" Mr. Pullar, for Stationery	5	0	0
"	" Mr. Lucas, for Printing	1	14	0
"	" Mr. Trenchard's Bill for Act of Incorporation, &c., &c. ...	248	12	11
"	" Mr. G. M. Stephen, Counsel Fees	81	11	6
"	" <i>Geelong Advertiser</i> , Advertising	15	0	0
		£	2479	1 2

MELBOURNE, MOUNT ALEXANDER, AND MURRAY RIVER
RAILWAY COMPANY.

SCHEDULE (No. 2.), shewing particulars of the expenditure of the sum of £5000, granted by Her Majesty's Government for Surveys and Preliminary Expenses.

1853.		£	s.	d.
March 31	To Account rendered to this date	2479	1	2
<i>SURVEYS FOR THE TRUNK LINE.</i>				
April 19	„ Cash advance to Mr. Harrison, Engineer, for Outfit of two Assistant Engineers and Staffs for Surveys—(1) through Aitken's Gap, Kyneton, &c.—(2) Through Kilmore, and (3) by Bacchus Marsh	100	0	0
„ 24	„ Ditto, further advance	200	0	0
May 11	„ Ditto, balance of account rendered to 30th April	92	10	0
„ 25	„ Ditto, advance on account to Engineer	150	0	0
June 14	„ Ditto, balance of account rendered to 31st May... ..	51	4	4
„ 28	„ Engineer's advance, on account	150	0	0
„ 28	„ Ditto ditto	100	0	0
July 5	„ Ditto Salary, April, May, and June	300	0	0
„	„ Assistant Engineer (Mr. Swyer), Salary, 15th April to 30th June	125	0	0
„	„ Ditto (Mr. Acheson) „ 1st May to 30th June... ..	100	0	0
August 2	„ Engineers	100	0	0
„	„ Assistant Engineer (Mr. Swyer) „ „	50	0	0
„	„ Ditto (Mr. Acheson) „ „	50	0	0
„ 15	„ Engineer, balance of account rendered to 30th June	79	8	5
„	„ Ditto account of ditto, from 1st to 31st July	236	11	0
„	„ Ditto, for Travelling Expenses (self)	63	6	0
September 1	„ Ditto Salary, for August	100	0	0
„	„ Assistant Engineer (Mr. Swyer) Salary for August	50	0	0
„	„ Ditto (Mr. Acheson) „ „	22	0	0
„	„ Engineer, balance of expenses rendered to 31st August... ..	110	11	11
<i>Fresh Survey, &c., of the Williamstown Branch, by Mr. Swyer, Engineer in charge.</i>				
October 4	To Engineer in charge, Salary, for September	50	0	0
„	„ Draughtsman „ „	26	5	0
November 3	„ Engineer „ October	50	0	0
„	„ Draughtsman „ „	27	6	0
„ 12	„ Engineer's account of Expenses, to 31st October	52	17	11
December 1	„ Ditto Salary, for November	50	0	0
„	„ Assistant Engineer (A. Jackson), Salary	17	17	0
„	„ Ditto (W. Hardie) „ „	23	2	0
„	„ General Assistant (T. Hoare) „ „	13	0	0
„	„ Draughtsman „ „	29	8	0
		£		
		5049	8	9

We do hereby certify that the above Schedule contains a correct account of the Expenditure of the sum of Five thousand pounds, granted by the Government for the Preliminary Expenses and Surveys of the Company.

27th March, 1854.

(Signed)

WM. F. SPLATT, Chairman.

JOSH. J. NEWITT, Secretary.

Melbourne, Mount Alexander, and
Murray River Railway Company,
Melbourne, 31st March, 1854.

SIR,

I am instructed by the Board very respectfully to remind Her Majesty's Government that they have not been favored with an answer to my Letter of the 15th instant (No. 102|2), in which was enclosed a List of Shareholders, shewing the amount of Interest which will be due to each on the 5th April next, under the Government guarantee, and requesting that a warrant might be issued for the money, to enable the Directors to keep faith with the Shareholders, by paying the same promptly when due.

I am further instructed to refer the Government to my Letter of the 27th instant, and to express the desire of the Board to receive an early answer to that communication, as from the nature of their engagements the commencement of the works cannot now be delayed; besides which, the liabilities of the Company are daily undergoing some change, which will necessarily affect, more or less, the proposal for the purchase of the Railway as it now stands.

I have, &c.,
(Signed) JOSH. J. NEWITT.

To the Honorable
The Colonial Secretary of Victoria.