

THIS AGREEMENT made the 22nd day of July

One thousand nine hundred and forty-one BETWEEN the MELBOURNE AND METROPOLITAN TRAMWAYS BOARD a body corporate under Section 4 of the Melbourne and Metropolitan Tramways Act 1928 of the State of Victoria (hereinafter called "the Board" which expression -- shall include the successors and permitted assigns of the Board) of the one part and the COMMONWEALTH OF AUSTRALIA (hereinafter called "the Commonwealth") of the other part:

WHEREAS for the more efficient operation of the Commonwealth munitions factories at Footscray and Maribyrnong in the State of Victoria it is essential that additional tramway --- facilities be provided for the transport of munitions employees:

AND WHEREAS the Commonwealth has requested the Board to construct the tramways set out in the Schedule hereto (hereinafter called "the said tramways"):

AND WHEREAS in consideration of the grant of financial assistance by the Commonwealth to the Board as hereinafter --- provided the Board has agreed to construct the said tramways and to enter into this Agreement:

AND WHEREAS in consideration of the Board agreeing to -- construct the said tramways and to enter into this Agreement the Commonwealth has agreed to make the advances to the Board hereinafter referred to subject to the terms and conditions hereinafter contained:

NOW THIS INDENTURE WITNESSETH as follows:-

1. The Board will with all expedition construct and shall until the Thirty-first day of December One thousand nine hundred and fifty-one maintain manage and operate the said --- tramways.

2. (1) Subject to clauses 3 and 4 hereof the Commonwealth will advance to the Board the reasonable cost actually incurred by the Board in the construction of the said tramways

and matters incidental thereto up to a maximum of Fifty thousand pounds (£50,000:0:0).

(11) Such amount shall be advanced by progress payments as the work of construction of the said tramways proceeds of such amounts as may be certified by the Board's auditors from time to time as having been expended by the Board in the construction of the said tramways and matters incidental thereto.

3. The Board HEREBY COVENANTS to pay to the Commonwealth on the First day of January One thousand nine hundred and fifty-two the sum of Twenty-five thousand pounds (£25,000:0:0) without interest.

4. (1) The Board shall up to and including the Thirty-first day of December One thousand nine hundred and fifty-one -- keep and maintain separate accounts in relation to the operation of the said tramways. Any profit up to but not exceeding the -- amount by which the amount advanced to the Board as aforesaid -- exceeds Twenty-five thousand pounds (£25,000:0:0) obtained by the Board up to and including such date from such operation calculated in accordance with the Board's usual method of ascertaining ---- profits shall be paid to the Commonwealth within a reasonable -- time after the First day of January One thousand nine hundred and fifty-two. Accounts showing the profit or loss made by the Board from such operation as aforesaid shall be prepared annually and a copy thereof submitted to the Director-General of Munitions and a loss made in any year may be set off against profit made in the other years and the net profit only over the period up to the -- Thirty-first day of December One thousand nine hundred and fifty-one inclusive shall be payable to the Commonwealth under this -- clause. Provided that for purposes of ascertainment of profit as aforesaid no interest shall be charged by the Board to the -- account by reference to which the profit of the said tramways is computed.

(11) Such profit shall not be set off against the --

amount payable by the Board under clause 3 hereof but shall be an additional repayment pro tanto of the advance made to the Board as hereinbefore mentioned.

(111) The Commonwealth will waive its right to repayment of so much of the amount advanced to the Board as aforesaid in excess of Twenty-five thousand pounds (£25,000:0:0) as exceeds the amount which will have become payable to the Commonwealth by the Board pursuant to this clause.

5. For the better securing the repayment by the Board of the sum of Twenty-five thousand pounds (£25,000:0:0) aforesaid in accordance with clause 3 hereof the Board HEREBY CHARGES all its revenues (including all rates authorised to be made and --- levied by the Board in respect of rateable properties within the metropolis and the works and undertakings of the Board) with -- repayment of the said amount.

IN WITNESS whereof the Common Seal of the Board has been hereunto affixed and the Director-General of Munitions for and on behalf of the Commonwealth has hereunto set his hand and seal the day and year first hereinbefore written.

SCHEDULE.

1. A double track electric tramway commencing in Ballarat-road at its intersection with Gordon-street in the City of ---- Footscray; thence northerly along Gordon-street to its intersection with River-street, a distance of approximately 4,100 feet.

2. A double track electric tramway commencing near the intersection of Raleigh's-road and West-road in the Shire of Braybrook at the tramway authorized by Order in Council dated 8th October, 1940; thence southerly across Raleigh's-road; thence southerly across vacant land the property of the Commonwealth to Williamson-road, a distance of approximately 2,100 feet.

On the land the property of the Commonwealth the track of this tramway may be constructed of open ballast railway design.

3. A single track electric tramway commencing in Raleigh's-road in the Shire of Braybrook at a point 230 feet west from the western boundary of Park-road; thence westerly along Raleigh's-road to its intersection with West-road.

This tramway is a duplicate track of part of the tramway authorised by Order in Council dated 8th October, 1940.

That portion of Ralsigh's-road which lies between the northern boundary thereof and a line eleven feet south of and parallel to such boundary and between West-road and a point 650 feet west from the western boundary of Park-road shall be a --- tramway reserve, and within this reserve the track of this tramway may be constructed of open ballast railway design.

THE COMMON SEAL of the MELBOURNE)
AND METROPOLITAN TRAMWAYS BOARD)
was hereunto affixed in the ---)
presence of)

(Sgd.) H.H. Bell

Chairman.

(Sgd.) R.A. Spencer

Secretary.

SIGNED SEALED AND DELIVERED by)
Essington Lewis the Director-)
General of Munitions for and)
on behalf of the COMMONWEALTH OF)
AUSTRALIA in the presence of)

(Sgd.) E. Lewis

(Sgd.) J.C. Jenkins