

(No. 34.)



1898.

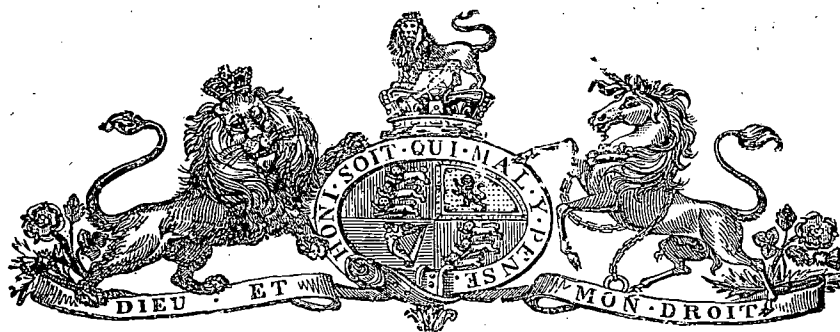
PARLIAMENT OF TASMANIA.

THE MOUNT LYELL AND STRAHAN RAILWAY
BILL, 1898, (PRIVATE):

REPORT OF SELECT COMMITTEE, WITH MINUTES OF
PROCEEDINGS, EVIDENCE, AND APPENDICES.

Brought up by Mr. Lewis, July 5, 1898, and ordered by the House of Assembly
to be printed.

Cost of printing—£27 5s.



SELECT COMMITTEE appointed, on the 17th day of June, 1898, to consider and report upon "The Mount Lyell and Strahan Railway Bill, 1898," (Private).

MEMBERS OF THE COMMITTEE.

MR. BRADLEY.
MR. DUMARESQ.
MR. HALL.
MR. LEWIS.

MR. MINISTER OF LANDS AND WORKS.
MR. MACKENZIE.
MR. MILES.

DAYS OF MEETING.

Thursday, June 30; Friday, July 1; Tuesday, July 5.

WITNESSES EXAMINED.

Mr. F. Back, General Manager, Tasmanian Government Railways; Mr. E. Carus Driffeld, C.E., Superintending Engineer of the Mount Lyell and Strahan Railway; Mr. Bowes Kelly, Chairman of Directors of the Mount Lyell Company; Mr. J. M. McCormick, C.E., Engineer of Existing Lines, Tasmanian Government Railways.

REPORT.

Your Committee having taken evidence in support of the allegations contained in the Preamble of the Bill, have the honour to report that the said Preamble has been proved to their satisfaction.

Your Committee having agreed that the Preamble should stand part of the Bill, then entered into consideration of the several Clauses, and have the honour to recommend certain amendments.

Your Committee have now the honour of submitting the Bill, with the amendments, to the favourable consideration of your Honourable House.

N. E. LEWIS, *Chairman.*

Committee Room, 5th July, 1898.

MINUTES OF PROCEEDINGS.

THURSDAY, JUNE 30, 1808.

The Committee met at 10.45 o'clock.

Present.—Mr. Dumaresq, Mr. Hall, Mr. Lewis, and Mr. Mackenzie.

Mr. Lewis was appointed Chairman.

The Clerk read the Order of the House appointing the Committee.

Mr. Bradley took his seat.

The Chairman laid the Petition praying for leave to bring in the Bill upon the Table. (Appendix A.)

Resolved, That the Petitioners be heard by Counsel.*Resolved*, That Mr. Bowes Kelly, Chairman of the Company, and Mr. E. Carus Driffeld, Superintending Engineer of the Railway, be admitted during the Counsel's address, and the examination of witnesses.

Mr. Edward Henry Butler appeared and addressed the Committee as Counsel in support of the Petitioners.

Mr. E. Carus Driffeld, C.E., was called and examined.

Counsel laid upon the Table a copy of the Schedule of Rates and Regulations for passenger, parcel, and goods traffic, upon the Mount Lyell Railway. (Appendix B.)

Mr. Minister of Lands and Works took his seat.

Mr. Back, General Manager, Tasmanian Government Railways, was called in and examined.

Mr. Back withdrew.

Ordered, That Mr. J. M. M'Cormick, Engineer of Existing Lines of Tasmanian Government Railways, be summoned to give evidence to-morrow at 10.30 o'clock.

The Committee adjourned till 10.30 o'clock to-morrow.

FRIDAY, JULY 1, 1898.

The Committee met at 10.30 o'clock.

Present.—Mr. Lewis (Chairman), Mr. Bradley, Mr. Hall, and Mr. Mackenzie.

The Minutes of the last Meeting were read and confirmed.

Mr. J. M. M'Cormick, C.E., Engineer of Existing Lines, Tasmanian Government Railways, was called in and examined.

Mr. M'Cormick withdrew.

Mr. Bowes Kelly, Chairman of Directors of the Company, was called in and examined.

The Chairman said he had just received from the Honourable the Minister of Lands and Works a Petition from residents of Queenstown and Gormanston on the West Coast, addressed to His Excellency the Governor, against the proposed increase of the rates and fares on the line. (Appendix B.)

Resolved, That Mr. Driffeld be recalled.

Accordingly, Mr. Driffeld was recalled and further examined.

Counsel, Mr. Kelly, and Mr. Driffeld withdrew.

The Committee deliberated.

Resolved, That the Preamble stand part of the Bill.

The Committee then entered upon the consideration of the several Clauses.

Clause 1.

Amendment made, page 1, line 7, after "Act," by striking out "1897," and inserting "1898."

Clause, as amended, agreed to.

Clause 2.

Amendment made, page 1, line 19, after "maintain," by adding "The expression 'The Minister' shall mean the Minister of Lands and Works for the time being of Tasmania."

Clause 3 agreed to.

Clause 4.

Amendment made, page 2, line 3, before "Notwithstanding," by inserting "If the said Company shall, within Three years from the passing of this Act, construct the said Railway in accordance with the provisions of the said Act from Teepookana to a point in the town of Strahan at or near Regatta Point, to be approved by the Minister, then."

Clause, as amended, agreed to.

Clause 5.

Amendments made, page 2, line 30, after "Systems," by striking out "(3.) A truck load shall be computed at Three tons, and when the carrying capacity of a truck shall exceed Three tons the weight loaded over that quantity will be charged *pro rata*," and by inserting "but such addition to the mileage shall not be allowed in respect of the tolls, rates, fares, and charges for the conveyance and carriage of passengers in any train unless accommodation is provided therein for the carriage of passengers at both First and Second Class Rates."

Clause, as amended, agreed to.

New Clause A. brought up and read the first time: "If in the exercise of the powers granted by the said Act the said Company causes any obstruction to the navigation of any river, stream, or harbour, and the same be not removed therefrom without delay, it shall be lawful for the Minister, having first called upon the Company to remove such obstruction, to cause the same to be removed at the cost of the Company."

Read the Second time, and made part of the Bill, to follow Clause 5.

Clause 6 agreed to.

The Committee adjourned till Tuesday next at Four o'clock.

TUESDAY, JULY 5, 1898.

The Committee met at 4 o'clock.

Members present.—Mr. Lewis (Chairman), Mr. Bradley, Mr. Hall, Mr. Minister of Lands and Works, and Mr. Mackenzie.

The Minutes of last Meeting were read and confirmed.

Draft Report brought up and agreed to.

The Committee adjourned *sine die*.

APPENDIX A.

To the Honourable the Speaker and Members of the House of Assembly of Tasmania, in Parliament assembled.

The humble Petition of the Mount Lyell Mining and Railway Company, Limited, registered under Part 1 of the "Victorian Company's Act, 1890," and having its Registered Office at 39, Queen-street, Melbourne, in the Colony of Victoria,

SHOWETH :

1. That within three months previously to the presentation hereof notice of the intention of Petitioners to apply for a Private Bill was published, as is by the Standing Rules and Orders of your Honourable House prescribed, as follows :—

In the *Hobart Gazette* on the Twenty-ninth day of March and the Fifth, Twelfth, and Nineteenth days of April instant.

In the *Mercury*, being a public newspaper published in Hobart, on the Twenty-ninth day of March and the Fifth, Twelfth, and Nineteenth days of April instant.

In the *Tasmanian News*, being a public newspaper published in Hobart, on the Twenty-ninth day of March and the Fifth, Twelfth, and Nineteenth days of April instant.

In the *Clipper*, being a public newspaper published in Hobart, on the Second, Ninth, Sixteenth, and Twenty-third days of April instant.

In the *Mount Lyell Standard*, being a public newspaper published at Queenstown, in Tasmania, in or nearest to the District affected by the Bill, on the Second, Ninth, Sixteenth, and Twenty-third days of April instant; which said Notice contained a true statement of the general objects of the Bill as hereinafter set forth :—

2. That the general objects of the said Bill are :—

1. To repeal Section Twenty-nine of "The Mount Lyell and Strahan Railway Act" and Section Five of "The Mount Lyell and Strahan Railway Act, 1893."
2. To provide that the Minister shall not give notice to the Company of the intention of the Crown to purchase the Railway built under the authority of "The Mount Lyell and Strahan Railway Act" until the expiration of the special lease or leases granted by the Minister to the Company under the authority of "The Mount Lyell Company's Leases Act, 1893."
3. To authorise the Company to demand and collect such tolls, rates, fares, and charges for the conveyance and carriage of passengers, goods, merchandise, live stock, and other chattels over and along the said Railway as shall from time to time be fixed by any by-law made under the authority of "The Mount Lyell and Strahan Railway Act."
4. To provide that the charge for the conveyance of First-class Passengers shall not exceed Fourpence per mile, and that the charge for the conveyance of Second-class Passengers shall not exceed Threepence per mile; and that the tolls, rates, and charges for the carriage of goods, merchandise, live stock, and other chattels shall not at any time exceed the tolls, rates, and charges authorised by the Governor-in-Council.
5. To authorise the Company to add Nine miles to the actual through mileage in computation of the tolls, fares, and charges for the conveyance and carriage of all passengers, goods, merchandise, live stock, and other chattels over and along those Sections of the said Railway which are worked with the assistance of a rack or third rail.
6. The said Bill will also contain all clauses usual in Bills of a like nature and necessary for effectuating the purposes and general objects of the said Bill as above set forth.

Your Petitioners therefore pray for leave to introduce the said Bill.

And your Petitioners will ever pray, &c.

Dated this twenty-fifth day of April, one thousand eight hundred and ninety-eight.

BUTLER, MINTYRE, & BUTLER, *Solicitors*
for the Mount Lyell Mining and Railway Company, Limited.

APPENDIX B.

MOUNT LYELL MINING AND RAILWAY CO., LIMITED.

MOUNT LYELL LINE.

RATES AND REGULATIONS FOR PASSENGER, PARCEL,
AND GOODS TRAFFIC.

Passengers.

FARES :—First Class, Single, 4*d.* per mile; Second Class, Single, 3*d.* per mile; Return Tickets, Fare and Half. Minimum Charge for First Class, 6*d.*; Second Class, 4*d.* Season Tickets by Special Arrangements.

Regulations for Passenger Traffic.

Ordinary Tickets.

The tickets furnished to passengers on payment of their fares will be required to be produced or given up when- ever demanded by any railway officer or servant, it being distinctly understood that the tickets remain the property

of the Company, and are *not sold* to passengers. Any passenger unable or refusing to produce the required ticket, or travelling with a defaced ticket, will be liable to be charged the fare from the most distant station from which the train shall have started. These tickets are not transferable, but are available only for the persons to whom they are issued.

Mileage for Return Tickets is to be counted one way only.

Ordinary Return Tickets will be available for return on any day within one month from date of issue. Ordinary Single Tickets will be available on day of issue only. Passengers cannot break journey on Cheap Excursion or Day Trip Tickets.

No return or periodical ticket will be available for special or excursion trains, except when the ordinary time table is suspended.

Passengers holding Ordinary Return Tickets are allowed to break their journey at any station during the time of currency of such tickets, either on the forward or return journey, also the holders of Single Tickets on date of issue; provided that the tickets be produced at the stopping stations, and are stamped by the ticket collectors; otherwise all further claim to them will be forfeited, and fresh tickets must be taken to proceed by any subsequent train. Season Ticket Holders will be required to produce their tickets when called upon to do so by any of the officers or servants of the Company.

The journey may be resumed at the same station, or at any station ahead, if the ticket has not been previously so used.

Children not exceeding three (3) years of age, free; above three and not exceeding twelve (12) years, half fare.

Passengers travelling in a carriage of a higher class than that for which they have tickets will be charged the full difference of fare from the station at which the ticket was issued.

Passengers can be booked at stations only on the condition that there is room for them in the carriages of the approaching train, and cannot be re-booked by the same train by which they are travelling, but can pay the excess single fare at the end of their journey.

In the event of circumstances occurring during or prior to the journey which may render it inexpedient for the train to proceed, the Company will return the fare prepaid, or a portion thereof, but does not undertake to forward the passengers.

The tickets furnished to passengers on payment of their fares must be shown or given up on demand of any officer or servant of the Company, whose sole property they remain. Any passenger unable or refusing to produce his or her ticket, or having it in an illegible state, will be charged the fare from the most distant place from which the train started.

Return Tickets are not transferable, and if not used within the prescribed time, or attempted to be transferred, are considered forfeited, and no allowance can be claimed on account thereof.

To ensure punctuality in the arrival and departure of trains as far as possible, all passengers are requested to have their tickets in readiness when called upon to show them. Any tickets that are out of date may at any time be claimed by the Company.

Lost Tickets.

The Company do not undertake to refund money or make allowance for tickets of any kind (single, return, or periodical) alleged to have been lost or mislaid.

No claim will be entertained for loss or detention arising from the neglect or inability of passengers to complete their journey on the day of issue; but before taking a ticket passengers should refer to the *Time Table* and ascertain whether they can go through.

EXCURSION AND SPECIAL TRAINS.

Excursion Trains.

Excursion trains will be run by special request upon payment of a deposit (as a guarantee, returnable if the takings exceed the amount) equivalent to the charge for 60 second-class single tickets.

Special Trains.

By special arrangement.

NOTE.—*Excursion and special trains can only be run when the Company finds it convenient to do so.*

Reserved Compartments.

Compartments may be reserved, provided there be room in the train, on the following terms:—First-class, by payment of ten fares; second-class, by payment of sixteen fares. Only those holding tickets will be allowed to travel in a reserved compartment.

Passengers' Luggage.

No luggage will be allowed to be placed in the carriages unless it is of such a size to admit of its being put under the seat or in the rack without inconvenience to other passengers.

Excess luggage should be in the booking office fifteen minutes before the starting of the train, so as to give it sufficient time to have it weighed and stowed.

Passengers must have their names and the stations to which they are proceeding distinctly marked on their luggage, and should see that it is properly labelled. To prevent mistakes they should have all old labels removed.

The Company will not be responsible for any luggage unless it is specially booked and paid for, and the name of the owner and its destination be distinctly marked thereon.

All unclaimed luggage kept at a station twelve hours after its carriage by railway will be charged the usual cloak-room rates for each package, and the Company reserve the right to sell the same if unclaimed after six months.

Smoking is not allowed on the railway premises, nor in the carriages other than those set apart for the purpose.

Rates for Carriage of Luggage, Parcels, &c.

Excess Luggage.

Each passenger will be allowed to take 112 lbs. of *bona fide* personal luggage, not including merchandise of any kind, free of charge. For every 56 lbs. or fraction of 56 lbs. above this weight, the charge will be 1s. 6d.

Commercial Travellers' Luggage.

Each passenger will be allowed to take 112 lbs. of samples or luggage free of charge. For every 56 lbs. or fraction of 56 lbs. above this weight, the charge will be 1s.

Theatrical Companies' Luggage.

Each passenger will be allowed to take 112 lbs. free of charge, the same as an ordinary passenger. For every 56 lbs. or fraction of 56 lbs. above this weight, the charge will be the same as that made for commercial travellers' excess luggage. Theatrical companies' luggage by goods train will be charged half the ordinary luggage rate, that is, Class IV., half-rate.

Lost Luggage.

Lost luggage will be charged for booking, per package, 1s. The platform will be cleared after the last train, and all property found will be treated as "lost luggage," and, if not claimed within one month, will be sold.

Left Luggage.

Luggage left in the cloak-room will be charged for the first day, per parcel not exceeding 56 lbs. in weight, 3d.; over 56 lbs. and not exceeding 112 lbs., 6d.; over 112 lbs., 9d.; and for each day after, per parcel, 2d. Any luggage not claimed within one month will be sold.

The Company reserves to itself the right to refuse any package which, from its appearance, may be deemed objectionable.

In all cases where a Luggage-room Ticket is given for more than one package, and the holder of the ticket applies for and takes some, *but not all*, of the packages away, a fresh ticket will be issued for the packages left, and the usual booking fee for the fresh ticket will be charged.

Parcels.

Rates for parcels not exceeding 7 lbs., 6d.; 14 lbs., 9d.; 28 lbs., 1s.; 56 lbs., 1s. 9d.; 84 lbs., 4s. For every 28 lbs. or part of 28 lbs. over 84 lbs., an additional charge of 1s. 6d. will be made.

NOTE.—Gold, silver, and copper coin will be carried at "owner's risk," and charged parcel rates.

Goods Classification and Rates.

NOTE.—All Goods not specified will be charged at 4th Class. Minimum distance, 7 miles. Minimum Charge of the Four Classes, 2s. 6d. The Articles marked O.R. are in all cases carried at Owners' risk.

FIRST CLASS. All loading and unloading to be done by Owners.	SECOND CLASS.	
Ores, loose* Sand* Bricks, O.R. (333 Bricks to be reckoned a ton, and not more than 2000 Bricks to be loaded in a truck).* (A.) Coal, O.R.* Coke in bags, O.R.* Ironstone, O.R.* Lime, O.R. Limestone, O.R.* Potatoes. Ore in bags under £6 per ton value, O.R.,* 2d. per ton per mile. Concentrated Ore must be sheeted, and sheets charged for at 1s. each	Ballast, Ship's, O.R. Bonedust, Packed, O.R. Bones, O.R. Boulders Cement Charcoal Coke, loose, rate and quarter Granite, rough, O.R. Grains, Brewers' Gravel Guano and Manures, packed, O.R.	Metal, Road, O.R. Ore in bags over £6 in value, O.R. Piles, Stone; Rough, O.R. Quartz and Quartz Tailings, O.R. Shingle, O.R. Slates, Roofing, O.R. Stone, Rough, O.R. Salt, Marine, rendered unfit for other use, in 5 ton lots Tan-pit Refuse, O.R.*
(A.) In parcels of 50,000 building bricks, 20 per cent. off tariff rates.		
THIRD CLASS.	FOURTH CLASS.	
Barley, Grain, in Bags Beans, Colonial Produce, whole or crushed Bran Flour in quantities Bullion unrefined; being a mixture of Silver and Lead Clay, O.R. Lead, Pig Oats Potatoes Skins, Sheep, Kangaroo, &c. Stone, Kerb or Dressed Vegetables (garden), fresh packed Wheat Wool	Acids, packed, Double Rate. O.R. Dangerous Ammunition, Double Rate. O.R. Dangerous. Boats, Minimum charge as for one ton, O.R. Bodies, Shafts and Wheels; Dray. Minimum charge as for half ton each consignment Boxes, Empty (not returned empties) Rate and Half. Bullion, refined. Cartridges, packed. Double Rate. O.R. Dangerous. Demijohns, glass, without wickerwork. Rate and Half. O.R.	Ladders, 16 ft. long and under, to be taken at 60 ft. run to the ton. Over 16 ft., at 40 ft. run to the ton Mining Pipes, Iron or Galvanised, where less than 5 tons can be carried in a nordinary truck. Double Rate. Tanks, Iron (empty), up to 400 gallons. O.R. Tanks, Iron (empty), over 400 gallons. Rate and Half.

* Minimum Weight, 5 Tons. Receiving and Delivery Charge, 1s. 6d.

GOODS TARIFF.—First Class, 4d. per ton per mile; Second Class 5d. per ton per mile; Third Class, 6d. per ton per mile; Fourth Class, 9d. per ton per mile.

A charge of 1s. 6d. per ton for receiving and delivery at wharf, Teepookana, for local goods ex lighters, launches, or steamers, and 2s. 6d. per ton for goods to be forwarded. Minimum charge 6d. Landing charge on Coal, Coke, Bricks, and Timber, 1s. 6d. per ton.

Special Classes.*Gunpowder and other Explosives, O.R.*

(See Clauses 11 and 22 of General Regulations.)

will be charged 4th class, quadruple rates. Minimum charge for a consignment, 5s.

NOTE.—The weight of the whole package will be charged for. Stationmasters and others interested are instructed not to accept for carriage by railway to any station any package of explosives, unless it is accompanied by the sender's written guarantee that the consignee will take delivery of the same immediately on its arrival at the station to which consigned.

In the event of consignees not complying with this guarantee, the package must be returned by first train to the sending station, from whence it must be promptly delivered to a consignor, carriage being charged both ways.

Class A.—Hay, Straw, Chaff.

(Carried at Owners' risk.)

Hay, straw, and chaff, in bags, 1s. per truck per mile. All loading and unloading to be done by owners, or charged for by the Company. Minimum charge, 15s. per truck, otherwise first-class rate. Less quantities than a truck load will be charged as a truck load, or first-class rates should the latter be cheaper.

Class C.—Carts, Drays, Express Wagons, and Wagons.

(Carried at Owners' risk.)

For any distance of not more than 20 miles, 20s.; heavy wagons, rate and a half.

Class D.—Returned Empties.

(Returned from the station to which they were originally sent within a period of twenty-one days.)

(Carried at Owners' risk.)

For any distance of not more than 20 miles, 6d. per cwt., or part thereof; minimum, 1 cwt. Empties must be certified by the consignors to have passed over the line full, and be forwarded to the station from which they were originally sent. Carriage must be prepaid unless there be an arrangement with the consignee to the contrary. Returned empties must not be packed. Bags must be so tied in bundles that the ends are exposed. Empty beer casks free.

Class E.—Special.

Flour and Potatoes—single sacks for distances up to 20 miles, 2s. per sack. Fruit and vegetables—single package, weighing under 112 lbs., for distances up to 20 miles, 2s. per packet. Single packages containing a mixed consignment of fruit, vegetables, and poultry, or any of the articles enumerated under Class E., except those in the last two paragraphs, under 112 lbs., same rate as fruit and vegetables, and single cases of fruit, 1s. 9d. Fish and poultry (dead) same rate as fruit and vegetables. Poultry (live) half parcel rates, minimum 2s. Yeast, for distances not exceeding 20 miles, 2s. per keg or tin not exceeding 28 lbs., above that weight, third class rates.

Class F.—Milk, Butter, and Eggs.

(Carried at Owners' risk.)

Milk, per can not exceeding 112 lbs., 1 mile to 15 miles, 1s.; half rates for every additional 56 lbs. or part thereof. Butter and eggs, per box not exceeding 56 lbs., 1 mile to 15 miles, 1s.; and the same rate for every additional 56 lbs. or part thereof. Returned empty butter and egg boxes and milk cans, which have previously been carried full at the package rates set forth in the Goods Classification and Tariff, will be charged 2d. each.

Class G.—Firewood, Timber, &c.

(Carried at Owners' risk. Loaded and unloaded by Owners or charged by the Company.)

Firewood per truck, 1 to 10 miles, 12s.; firewood per truck, 11 to 15 miles, 18s.; less than truck loads will be charged first class rates.

NOTE.—Should a truck of firewood be re-invoiced to another Station within twenty-four hours of receipt, it will be charged for at the rate of 1s. per truck per mile for the additional distance.

Sawn Timber, Felloes, Spokes, and Staves (unmanufactured), Logs and Piles.

One Shilling per truck per mile, minimum 20s.; less than a truck load to be charged as a truck load or first class rates. Sawn timber ex ships will be charged as follows:—Hardwood, 2d. per ton per mile, deals and lightwood, 4d. per ton per mile, with a minimum of 10 miles.

Post and Rails, Hop Poles, and Willows in Bundles.

One Shilling per truck per mile, minimum same as sawn timber.

Palings, Shingles, and Laths.

Same as sawn timber.

NOTE.—Timber, only to be carried at the convenience of the Company, and to be loaded and unloaded by the owners, or charged for by the Company; eight working hours allowed for unloading. Should there be any delay beyond that time, a charge of 20s. per truck per day will be enforced.

Class H.—Live Stock Rates.

Cattle, sheep, pigs, geese, &c., at owners' risk, and to be loaded and unloaded by owners, will be carried at the following rates, viz.:—

For distances not exceeding 10 miles, 15s. per ordinary truck; 25s. per double truck. For distances not exceeding 15 miles, 20s. per ordinary truck; 30s. per double truck. No less charge will be made than for a half-ordinary truck or less than 15s.

The maximum number of animals to be passed as half-ordinary truck:—Fat stock—Cattle, 3; sheep, lambs, goats, and pigs, 15. Lean stock—Cattle 4; sheep, lambs, goats, pigs, and calves, 20; geese, 25. Live stock carried at Company's risk to be charged 25 per cent. extra. Single calf, sheep, or goat carried in guard's van, double dog rate.

Sheep in Crates.

Half truck rate will be charged for a single crate, and two crates in one truck will be charged as one truck.

Horses and Carriages.

(Carried at Owners' risk.)

A single horse, £1 5s.; each additional horse belonging to the same owner, 15s. Each carriage, £1 5s.; two vehicles on one truck, same owner, £1 10s.; three vehicles on one truck, same owner, £1 15s.

Entire horses requiring a special box will be charged double rate, but if allowed to travel with an additional horse belonging to the same owner, ordinary rates will be charged.

Foals, one year old and under, half-rate.

Horses may be sent in cattle-trucks, at the risk of the owners, at rate and half charged for cattle in truck loads, but the minimum charge will be as for one truck and a half of cattle.

Horses and carriages will be conveyed only from and to such stations and sidings as are provided with special accommodation for loading and unloading.

All horses and carriages are carried by the Company entirely at the owners' risk, except from any gross neglect on the part of the Company or their officers. And the Company are to be held free from all risk and responsibility in respect of any loss or damage arising on the loading or unloading, or from suffocation, or from being trampled

on, bruised, or otherwise injured in transit, or from fire, or from any other cause whatsoever, not arising from such gross negligence as aforesaid, or where the loss or injury arises wholly or partially from fear or restiveness, and all fastenings in either horse-boxes or trucks must be done by the consignor, who will take all responsibility. Horses and carriages to be carried must be at the station one hour before the departure of the train by which they are intended to be forwarded; and the Company do not undertake to forward either horses or carriages by any particular trains. Not less than 24 hours' notice must be given when a horse-box or cattle-truck is required, and 50 per cent. of the fare must be deposited when making the requisition.

Dogs.

Dogs must be provided with chains, or sufficient means of securing them. They will not be allowed in carriages, and the sender must obtain a ticket, to be given up at the end of the journey, before the dog is delivered. The charge for conveyance of dogs will be 1*d.* per mile. Minimum charge, 6*d.* Dogs in truck loads, 2*s.* per truck per mile. Minimum 30*s.*

Live Lambs, Rabbits, Birds in Cages,

Properly secured in crates or baskets, will be carried at double parcel rates, and sucking pigs at single parcel rates.

Corpses.

Corpses will be charged at the rate of 1*s.* 6*d.* per mile, adults; children corpses (under 12 years) 1*s.* per mile, the minimum charge being 15*s.* Corpses will not be forwarded unless a certificate is produced from the medical attendant at the time of the decease, setting forth that death was not caused by any contagious or infectious disease.

Miscellaneous.

Demurrage.

Charges for Demurrage on trucks will be made as follows:—On trucks standing for unloading, after eight working hours from arrival, 10*s.* per truck; and afterwards a further charge of 20*s.* per truck per day or part of a day will be made, or the goods will be unloaded and stored at the usual rates for unloading and storage, at the option of the Company, and at the risk of the owner; on empty trucks delivered to order, after eight working hours, 10*s.* per truck; 20*s.* per truck per day or part of a day afterwards.

Craneage.

Craneage power and labour will be provided by the Company at the following rates:—Lifts of 1 ton and under, 1*s.* 6*d.* per ton, minimum charge 6*d.*; lifts of 1 to 2 tons, 2*s.* 6*d.* per ton; lifts of 2 to 3 tons, 4*s.*; lifts of 3 to 4 tons, 5*s.*; lifts of 4 to 6 tons, 6*s.* per ton respectively.

Check Wagons.

Check Wagons will be charged 6*d.* per truck per mile. Check Wagons will be charged for when they are required to be used.

Weighing.

Wool, rabbitskins, and sheepskins in bales, 6*d.* per bale; sheepskins in bundles, 1*d.* per bundle; grain, 1*d.* per bag; potatoes, &c., 1*d.* per bag; minerals, &c., 2*s.* per truck load, at stations where truck weighbridge is provided.

Tarpaulins.

When Tarpaulins are used to cover minerals or goods carried under Special Classes A, C, D, E, F, G, H, a charge of 3*s.* for each Tarpaulin will be made.

Cart Weighbridge.

Goods carried by railway, 6*d.* per load. Goods not carried by railway, 1*s.* per load.

Truck Weighbridge.

Charges for weighing, 2*s.* per truck.

Loading and Unloading.

Charges for loading and unloading, 1*s.* 6*d.* per ton respectively.

General Regulations for Conveyance of Goods at Class Rates.

1. All goods carried on the railway will be charged under the class specified in the classification unless otherwise provided for, and subject to the following Regulations:—

2. If any goods are required to be carried which are not mentioned in this classification they shall be carried as Class IV. until the Company shall determine in what class they shall be charged.

3. Where goods are described as "packed," it is intended that they will only be carried if properly packed in cases, casks, bags, crates, or otherwise, in the manner in which such goods are usually packed in the trade, and that they will not be carried loose or in bulk.

4. Goods from different consignors to one consignee, or from one consignor to different consignees, will be charged separately.

5. Any number of consignments of different classes from one consignor to one consignee will be charged separately or as one consignment of the highest class to which either of them belongs.

6. When loading or unloading of goods is done by the owners, the Company will take no responsibility as to quantity or condition.

7. For loading and unloading any package by crane an extra charge will be made for craneage.

8. In computing rates and charges any fraction less than $\frac{1}{4}$ *d.* in the result will be omitted, $\frac{1}{4}$ *d.* and above will be taken as 1*d.*

9. A truck load is computed 3 tons. When the rate is per truck load, and the carrying capacity of the truck exceeds 3 tons, the weight loaded over that quantity (if consigned) will be charged *pro rata*.

10. Except where otherwise specified in classification, all goods are carried by dead weight of 2240 lbs. to the ton, and the rates apply to both the up and down journey. Where measurement or a certain number of packages to the ton is given, the Company reserve the right to charge by dead weight if considered advisable.

11. Goods for platforms or sidings will only be carried on condition that the consignor accepts all responsibility in regard to loss or damage arising from any cause whatever after arrival there. Charges must be prepaid.

12. The Company reserve the right to decline to either load or unload goods in the Sawn Timber Class, and the consignor and the consignee respectively may be required to do all necessary labour in connection with such loading or unloading, and will be responsible for any loss or damage to goods, or demurrage, or storage charges which may accrue from detention of trucks through their default.—See Clause 14, General Regulations *re* Storage and Demurrage.

13. Packages of watches, jewellery, or precious stones sent through the Goods Department, the value of which is not declared, to be charged not less than double minimum for each consignment, whether accompanied by other goods or not.

14. All consignments of goods under bond are subject to a minimum freight of 75s. No other goods are allowed to be placed in the truck with bonded goods unless with the consent of the consignor and of the Customs authorities. When sent under these conditions they can be included in the minimum charge.

E. CARUS DRIFFIELD, *Superintending Engineer.*

*Superintending Engineer's Office, Queenstown,
11th March, 1897.*

APPENDIX C.

*To His Excellency the Right Honourable JENICO WILLIAM JOSEPH, VISCOUNT GORMANSTON,
Knight Commander of the Most Distinguished Order of St. Michael and St. George,
Governor and Commander-in-Chief in and over the Colony of Tasmania and its
Dependencies.*

May it please Your Excellency and your Parliament now assembled to grant our humble Petition, which

SHOWETH :

That the Mount Lyell Mining and Railway Company, which has a railway running between Teepookana and Queenstown, has introduced a Bill this Session, one of the objects of which is to give them power to increase the rates and fares on the line. This line is now worked on a similar mileage rate to that levied on the Strahan-Zeehan line (the property of the Colony), and as these rates are fixed on a higher scale than any other line in Tasmania or Government line in Australia, we, your humble Petitioners, pray that the Clause in "The Mount Lyell Mining and Railway Company's Act, 1893, Amending Bill," allowing an increase in passenger fares and freights, will be expunged, for these reasons :—

1. The line is already paying the company handsomely (*vide* the last half-yearly Balance Sheet), as a profit of £7065 13s. 1d. (after paying all expenses) was shown. The capital cost, including permanent way, Abt section, and rolling-stock was £144,623 19s. 4d.; the working expenses for the half-year ended March 31st were £6700 7s. 9d.; the revenue was £13,766 0s. 10d.; the profits as stated by Mr. Bowes Kelly, Chairman of Directors, in his Report, was £7065 13s. 1d. The traffic has in each half-year increased and is still increasing.
2. The fares for passengers are now as follows :—First-class single 5s. (4d. per mile for 15 miles), return 7s. 6d. There is no second-class carriage provided on the line, although by the Regulations passengers should have the option of going by either.
3. In addition to the haulage charges of from 6d. to 9d. per mile, there are terminal charges added on, which the Mount Lyell Company make a profit, and which consequently add to the total freight collected by the company from the public. On the Government line this extra charge (further than money actually expended) is not imposed.
4. The cost of living in this town and the immediate district is now higher than at Zeehan (which is served by the Government line). If these increased charges are allowed, the workmen's expenditure for food and clothing will increase proportionately.

And your Petitioners will ever pray.

[Here follow 190 Signatures.]

For information of the Select Committee Mount Lyell and Strahan Railway Bill.

E. N. C. BRADDON.
1. 7. 98.

Hon. Minister Lands and Works.

FORWARDED to the Chairman of Committee sitting on the Mount Lyell and Strahan Railway Bill.

ALFRED PILLINGER.
1. 7. 98.

EVIDENCE.

JUNE 30TH, 1898.

The Committee met at 10.45 A.M.

Mr. E. H. BUTLER (Messrs. Butler, McIntyre, and Butler), represented the Mount Lyell Mining and Railway Company.

Mr. E. H. Butler.—Mr. Chairman and Gentlemen of the Committee:—I am here to represent the Mount Lyell Company; and the Bill I have the honour to submit is to further amend the Mount Lyell Company's original Railway Act, 1892. In the first place, I would like to mention that a slight error occurs in the present Bill, which will need rectifying. It occurs in Clause 1, Short Title—"This Act may be cited as 'The Mount Lyell and Strahan Railway Act, 1897.'" This should read 1898. The first Clause of importance in the present Bill which the Company seek to have passed is to repeal Section 29 of their Act and also Section 5. Section 29 of the original Act states—"It shall be lawful for the Company from time to time to demand, take, collect, levy, and make such reasonable tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, live-stock, chattels, and other things of every description over and along the said railway, as may from time to time be fixed by any By-law to be made as hereinafter mentioned, but such tolls, rates, fares, and charges for the carriage and conveyance of passengers shall not at any time exceed four-pence per mile for first-class passengers, and threepence per mile for second-class passengers, and for the carriage and conveyance of goods, merchandise, and live stock shall not at any time exceed the rates charged from time to time for the carriage and conveyance of goods, merchandise, and live stock, charged on the Zeehan Railway, but a truck load shall be computed at three tons. When the carrying capacity of a truck shall exceed three tons the weight loaded over that quantity (if consigned) will be charged *pro rata*." It is proposed, Mr. Chairman and gentlemen, to repeal that clause and substitute for it the new clause Five of the present Bill. Section 29 of the original Act, as you will see, fixes the rates and tolls to be charged by the Mount Lyell Company, who now find it necessary to approach Parliament again and request an alteration in that Clause. One of the great reasons for asking for this alteration is that when the Emu Bay Railway starts there may be opposition against the Strahan and Zeehan (the Government line), and if the rates were lowered in consequence on that line, the Lyell Company must, as the law at present stands, lower their rates accordingly, although their running in no way affects the Emu Bay or Government line. The repeal of Clause Five has an important bearing upon the construction of the Company's Railway to Strahan. This extension means a considerable cost to the company, as the route must be from Teepeekana along the valley of the King River, traversing rough broken country with short precipitous spurs and gully water-courses. Railways constructed on the West Coast of Tasmania are built at a much larger expenditure than they are constructed elsewhere. The nature of the country involves this additional expense, and it seems only fair that the company should be placed in a position whereby they can be recompensed for an enormous outlay. This railway will be worked at very great expense, and it would be hard on the company if they had to run at very low rates. The next alteration or amendment is contained in Clause 3, and refers to Section 5 of the Mount Lyell and Strahan Railway Act, 1893. I will read it:—"If in the exercise of the powers granted by the said Act, the said company puts or causes to be put or to fall, or knowingly permits to be put or to fall or to be carried into any river or stream, any timber, rocks, earth, or débris of any kind which may cause any obstruction to the navigation of such river or stream or any harbour, and the same is not removed therefrom within Forty-eight hours after such timber, or rocks, or earth, or débris has been so put, or fallen, or carried, as the case may be, into such river or stream, the said company shall be deemed to have committed an offence against this Act, and shall be liable to a penalty of not less than Two Pounds for every such offence, and to a further penalty of not less than One Pound for each day beyond the Forty-eight hours aforesaid during which any such timber, rocks, earth, or débris continues in such river or stream." The company have within a few years to complete their railway to a point in or near the Town of Strahan, consequently they have had a careful survey made, and have found the only available route by which they can come. That route is along the shores of the King River, the banks of which in certain parts are almost precipitous. The line is laid down to run along the north side of the river, and there are several portions where it is so precipitous that it would be utterly impossible during construction to prevent débris or trees from falling into the river. The Company's Engineer will state distinctly that he cannot make the line without this happening. For this reason we ask that this Clause 5 of the Act of 1893 should be struck out altogether. The river where the line runs is, at the points referred to, very deep, from 30 to 40 feet, and if a tree did fall into it, or if a few tons of earth even were to fall in, it would not cause any obstruction to navigation. But the strongest argument in favour of there not being much obstruction lies in the fact that the whole of the traffic now carried on to the Mount Lyell mine is carried up the King River, and if the navigation were to be obstructed then the Mount Lyell mine would have practically to shut up. It will be to the advantage of the company to take all the care they can, because all their traffic goes up the river—machinery, stores, coke, and everything. If this clause were to remain in the Act, then the company could not carry out their railway by this route, because if only one ton of débris were to fall into the river any person who chose might lay an information, and, on conviction, the magistrates would have to fine them Two Pounds per day until they got the débris out. We have no objection to the clause, providing that we shall not cause obstruction to traffic, but our objection is that this penal clause is of such a nature that we would be liable to be harassed by anyone who might step in. The next alteration we want to have made is in connection with the Abt system on the Mount Lyell Line. The sub-section runs as follows:—"It shall be lawful for the said company to add nine miles to the actual through mileage in computation of the tolls, rates, fares, and charges for the conveyance and carriage of all passengers, goods,

merchandise, live stock, chattels, and other things over and along those sections of the said railway which are worked with the assistance of a rack or third rail in accordance with either of the systems known respectively as the 'Abt and Fell Systems.' Originally under the former Acts the company were allowed to construct a portion of their railway under the Abt system. I don't know whether you gentlemen know much about that system, but it may be shortly described as follows:—I may say that the gradients over this Divide are approximately three miles of 1 in 20, and a mile and a half of 1 in 16, and after considerable deliberations the Abt system of traction was adopted. This system consists of two or more rack-bars placed centrally between the ordinary rails, and securely fastened to the permanent way, the locomotive having a series of pinion wheels gearing into this central rack and actuated by separate cylinders, entirely distinct from the adhesive machinery of the locomotive. It has been found by the company that the expense of maintaining and working the line are materially increased by their having to run under the Abt system. It is found that the expense of maintenance and working is about three times as much as it is on the ordinary adhesive lines. We are not asking for this addition to the actual mileage without precedent. In New Zealand for every mile under the Abt or Fell systems the Government or the companies are allowed to charge two additional miles, that is, three miles for every one. In asking for an addition of 9 miles to the 4½ miles, we are not asking for more than is granted in other places. The gradients on the Abt system parts of the line are much more severe than on ordinary lines; it is necessary to use much more powerful engines, and the load that can be drawn over them is much less than on ordinary adhesive lines, so that the expense of traffic is much increased. The only other amendment asked for by the company is that the time when the Government shall have the right to buy the railway shall be extended. Under the existing Acts it will expire in 15 years. We now ask that it shall be extended to 29 years from the 1st of July next. That is the time when the company's leases expire. It will be in the memory of you gentlemen that this company were granted special leases for 30 years from last July. It is necessary to them for the carrying on of their business that they should have the control of this railway, and that it should not be taken out of their hands in so short a time as 15 years. It is used more as an easement to the company's mines than as a railway; in fact it is an easement to the mine; it is a necessity to it. It is, therefore, necessary that the same management which has control of the mine should have control of the railway also. I think, therefore, it is a fair thing to ask that if we bring the line into the township of Strahan, which will cost the company £15,000, the time should be extended. The company is not bound to go so far, they have the right to stop at Pine Cove, and I think if they spent this extra sum of £15,000 in going to Strahan, they will not be asking too much if they ask that the time within which the Government may buy the line be coterminous with the issue of the leases. I need not detain the Committee later, but will call Mr. Driffield.

EDWARD CARUS DRIFFIELD *called and examined.*

1. *By Mr. Butler.*—What is your name? Edward Carus Driffield.
2. You are Superintending Engineer for the Mount Lyell Railway Company? Yes.
3. You have seen a copy of the proposed new Act? I have.
4. You have read clause 5 as to rates, tolls, &c. chargeable by the company? Yes, Sir.
5. In what way does that clause differ from the former one in the original Act? The existing clause was originally framed to prevent the Mount Lyell Co. from charging a higher tariff than that existing on the Strahan-Zeehan railway on 11th March, 1897, as approved by the Governor in Council. Under the existing clause the Mount Lyell Co. must conform to any rates and tolls that may be in existence on that railway. The object of the clause is to keep the rates of the 11th March, 1897, intact.
6. Are these rates of 11th March, 1897, as approved by the Governor in Council, still in force? These are the rates that are now in force, and we want them confirmed without any fresh reductions. (The witness produced the schedule of rates.)
7. These are the rates referred to in the clause? Yes.
8. And that schedule is now in existence for the Strahan-Zeehan line—they are the rates? Yes.
9. How is the stipulation that the rates to be charged from time to time by the Strahan-Zeehan Railway should be the rates charged by the Mount Lyell Company—how does that bear upon the Mount Lyell Company? It bears very hardly on them in this respect, that the lines are entirely different. The Strahan-Zeehan line is entirely an adhesive line, whilst the Mount Lyell Company's line is partly adhesive and partly has the Abt system, also in view of the larger traffic on the Strahan-Zeehan line, and the fact that they are older established, also in view of the restricted capacity of the Company's railway. Further, the isolation of the Mount Lyell line should be considered, and the necessity for separate workshops; also, the maintenance and working expenses are heavier on a shorter than on a longer line. These are all considerations that bear on the tariff, because the tariff is similarly charged now both on the Strahan-Zeehan and on the company's railway. If there be any reduction in that it would bear more hardly on a railway of short than on a railway of longer length.
10. How would you be affected by competition with the Government line or any other line? In view of the fact that the Emu Bay Company is now building a railway from Waratah to Zeehan, it is not without the bounds of possibility that the Zeehan-Strahan line may have to conform to certain reductions in regard to their future traffic. If that were forced on them by competition with the Emu Bay line, it would certainly be hard on the Mount Lyell Company to have to reduce their rates as well. The Mount Lyell railway does not come into competition with the Government or any other railways, and is not likely to do so. If through any outside circumstances the Strahan-Zeehan line had to reduce their rates, we should, under the present Act, have to reduce our rates also.
11. Go to Clause 5, Sub-section 2, of the Amending Act. Can you give any explanation to the Committee as to why this is asked for—I mean the proposed extra mileage of nine miles? Well, when the Mount Lyell Company first approached Parliament to have powers conferred on them to build the railway, they did so before their survey was completed; and it was not until they had expended £10,000

on the survey that they were able to select the route and fix up a definite plan with regard to the line. It was then found that the route they had to take to cross the divide between the King and Queen Rivers was such that some unusual form of construction would have to be adopted. We found we should have to use the Abt line along certain parts. As no provision had been made in the original Act for working a line of that description, the Company found it necessary to approach Parliament and ask for some concession to meet the extra cost of working so expensive a section of their line.

12. You might explain what the gradients are, and show how the expenses are increased in comparison with an ordinary adhesive line? The gradients consist of three miles of 1 in 20 on one side, and $1\frac{1}{2}$ miles of 1 in 16. The difference in these grades as compared with the ordinary adhesive grades, that is if we make a comparison with the ordinary adhesive grades on the Tasmanian railways, would be this. The maximum ruling gradient on the Tasmanian railways is 1 in 40, and it is simply a question of division—the gradient of 1 in 20 requiring double the horse-power, and 1 in 16, $2\frac{1}{2}$ times the horse-power. Take a train going up 1 in 20, it would take twice the horse-power required on a grade of 1 in 40, or to go up 1 in 16 would require $2\frac{1}{2}$ times the horse-power.

13. Then, you might describe the ordinary working of the rack line, so as to explain how it is that it requires different engines, and also what is the system of those engines as compared with the ordinary adhesive lines? Well, the rack system consists of rack bars placed centrally between the ordinary side-rails, as they are called: the number of bars employed depends on the grade. On the Mount Lyell Company's line two of them are used, but on steeper lines there are sometimes three. The racks are so placed that a cog-wheel or a series of cog-wheels gear with them, and these are actuated by separate cylinders, which in turn assist the ordinary adhesive cylinders in working the train to the top. As a matter of fact, it is a double locomotive when it comes on the grade, so that, practically, you have double working parts. Necessarily there is double the fuel and double the power expended. You require double the steam and double the horse-power you would have on an ordinary adhesive grade.

14. Do you know, of your own knowledge, if it is usual to allow an extra mileage charge on lines worked by the Abt or Fell systems? The only precedent in the Colonies is the Rimutaka line in New Zealand, where they have the Fell system. I will describe the Fell system. That consists of a double-headed rail laid between the side rails of the ordinary adhesive system, the grip being obtained by strong wheels pressing against the rail. In that system it also doubles the locomotive power. On that line the Government has added twice the mileage to the actual mileage, so as to allow for the extra cost of working the line. The line is two and half miles long, and they added five miles. On the Continent it is usual for legislation to be applied to rack railways to fix higher tariffs than are allowed upon ordinary adhesive lines.

15. Is it usual to fix those higher rates by adding to the mileage, or by fixing higher tariffs—what is usual? I believe the custom is to add to the mileage, as that is considered most fair. I believe the custom is to add to the mileage, as that is considered most fair. By increasing the mileage a differential tariff is not interfered with, whereas by adding a fixed amount to the existing tariff all freights would suffer alike; that is, goods scheduled at 2*d.* per mile would have to pay the same extra rate as goods scheduled at 9*d.* per mile. Under a mileage basis this would not be so.

16. You say that on the rack system it requires greater horse-power to an engine—you might give the amount of extra horse-power which would be required to work the Abt system? As I explained just now, the extra power depends on the respective grades. It is double on a grade of 1 in 20 to what it is on 1 in 40, and it is $2\frac{1}{2}$ times more on a grade of 1 in 16. If a train going up one grade requiring a hundred horse-power for 1 in 40, it would require 200 horse-power to go up 1 in 20, and it would require 250 horse-power on a grade of 1 in 16 to get the train over.

17. Perhaps it would be as well if you would inform the Committee, as the railway public appear to be interested in the question of extra mileage, what is the ratio as to freight carried on your line for the public and for the Mount Lyell Company? The actual traffic returns worked out for the last six months was 21.4 per cent. for the public tonnage as compared with the company's tonnage, practically one-fifth. That is, for every hundred tons carried over the line, twenty tons were for the public and the balance for the company.

18. So, as a fact, the addition or benefit accruing to the company can only be reckoned on goods carried for the public? Yes, that is so far as the company's separate earnings are concerned. But I would like to point out, in asking for these concessions, that if the profit were confined to charges made on the carriage of the company's goods, which it would be if there were no public traffic, it would really become an extra cost on the smelting. The freight for public goods is only collected on twenty per cent. of the tonnage, and the balance is really an extra cost on the smelting operations of the company. The railway carriage, as far as the company is concerned, increases the cost of coke and fuel, and other things required, and other charges on the smelting. It would appear on the balance-sheet as earnings of the railway, as is now done, but really such profits are made at the expense of higher smelting charges.

19. So that, so far as the public traffic is concerned, it would be absolutely necessary for the company to have the extra mileage added? Yes, that is the general application of it.

20. It might be useful at this point if you would inform the Committee what actual percentage the line has yielded, including the company's own traffic,—I mean what the railway has actually earned. You mean the percentage on the capital cost?

21. Yes? In the last balance-sheet of the company the working expenses were shown at £6700 7*s.* 9*d.*, against a gross revenue of £13,766 0*s.* 10*d.*, and, as the Chairman stated in his financial report, nothing has yet been allowed for depreciation or for a sinking fund, as the policy of the company was to bring all works to one level, and not to make any allowances for depreciation on the other side till the works had been twelve months running; but to bring up the figures to a fair comparison the amount for depreciation and for a sinking fund should be deducted. That depreciation would be £698 11*s.* 11*d.*; altogether the total reduction would have been £3836 2*s.* 6*d.*, and the balance of net revenue, £3336 2*s.* 6*d.* for the half-year, making a 4.6 per cent. return on the total capital cost of £144,523 19*s.* 4*d.*

22. If you deduct the freight for the Mount Lyell Company's traffic as well, and take only the annual profit on the public traffic, what would that be? Not one per cent. on the cost.

23. Now as to the depreciation and other charges you mention on the Government Lines; what is that? About 10 per cent.

24. And you have only charged 6 per cent. on the Mount Lyell Company's line? Yes, it is put down at 6 per cent.

25. Now we come to the proposed repeal of Section 5 of the Mount Lyell and Strahan Railway Act, of 1893—that is the section relating to débris and trees that might fall into the river during the construction of the Railway. I would like you to state to the Committee the reason why you, as a Railway Engineer, recommended to your company that that section should be repealed? Because this is absolutely necessary to permit of the construction of the line to Strahan. If this clause be not repealed the company could not make the line, because they could not possibly take out the débris and timber from the river that would fall in. Then, owing to the penalty of £2 a day, any dissatisfied person or any person discharged from the line, could take out an information against the company and get a summary conviction, and the company might be so harassed by irresponsible people that the execution of the works on the line would be hung up.

26. Describe how the survey of the line is made, how far it runs along the river, and the general aspect of the country? The original section from Teepookana to Strahan went along the southern bank of the river for four miles, then crossing the King River; then by Lette's Bay, skirting the harbour to the south. That route has eight or ten bare precipitous bluffs on its course, and it would have caused trouble in the navigation of the river. Whatever the company might have done they could not have kept the débris and timber from falling into the river at those points. It was recognised that even in their own interests they would have to take such quantities of material up the river that they would hamper their own operations if obstruction took place. Instructions were then given to me to see if it was feasible to obtain a better route on the northern side of the river. Although not a cheaper, a better route was found. Instead of their being eight or nine bluffs there are now only three bluffs on the northern bank where the line is carried and which would be likely to interfere with the navigation of the river. At those points the water soundings were found to bear records up to 40 feet deep. In my opinion, timber, rocks, and débris, that might fall into the river would be kept from interfering with the navigation, or from obstructing the river in any way at all.

27. Supposing trees were to fall into the river, would you describe how you think it would not interfere with the traffic? The water being so deep, trees falling fairly vertical but more or less perpendicular into the water would cant over and lay horizontally in the river. I know that trees falling in like that would give no trouble. From cases of accidents which have happened on the river where we had to drag for bodies I know that the bottom of the river now is one network of logs and snags, and yet they never give trouble to navigation. The floods, when they come, being only in the superficial waters of the river, the deeper waters in the basins of the river don't seem to get affected; the logs seem to lie there without being affected by the floods.

28. You have lately told us that, in your own mind, you do not think that trees or débris going into the river would be likely to obstruct the navigation? Yes. I know the large operations which the company are carrying out, and that four-fifths of the traffic going up the river is for the company. It is thus self-evident that the company must, in its own interests and for its own protection, keep the river open. If the channel of the river were obstructed so that we could not get up material it would hamper smelting operations, and might necessitate the shutting down of the works. It would be a trouble particularly bad for the company more so than for the public. You may therefore be certain that every precaution will be taken by the company to prevent any obstruction to the navigation of the river.

29. Your chief objection is to the penal clause and the trouble you might be put to? Our chief objection is that any discontented person, perhaps someone employed by the company, and afterwards discharged, may, under this clause harass the company.

30. *By Mr. Pillinger.*—No, not unless you obstruct the navigation of the river? We have to remove the obstruction within a certain time, according to my reading of the Act.

Mr. Pillinger considered the clause would be inoperative unless there was an obstruction to the navigation of the river. He had always read the clause in that way.

31. *By E. H. Butler.*—I have drafted a short clause with a view to get over the difficulty. Will you read it and say whether it will effect the object in view? (Clause handed to witness who reads), "If in the exercise of the powers granted by the said Act, the said company causes any obstruction to the navigation of any river or stream, or any harbour, and the same be not removed therefrom within a reasonable time and without delay, it shall be lawful for the Minister, having first called upon the company to remove such obstruction, have the same removed at the cost of the company."

32. I understand the company would agree to a clause to this effect. Would you be prepared to agree with such a clause? I think so. I think the company would not object. The company does not want to quibble out of the clause relating to the obstruction of the river; all they want to do is to avoid being harassed by irresponsible people, should they allow timber to go into the river where it could cause no obstruction. A hundred yards of earth going into a hole forty feet deep would not be an obstruction, it would be spread out in such a way that it would have no effect. As for keeping it out, you could not do it, and under such a clause the company might be put to no end of trouble. You could not but be aware that it would be impossible to prevent a shot from sending stone into the water, and you could not use barges or any other means of preventing it.

33. At what distance is it from the river where the line is running? In places the railway is almost over the water, and the horizontal distance into the water would not be more than 30 feet.

34. Then it would be impossible to prevent débris going into the river? Certainly, quite impossible.

35. What would be the extra cost of taking the line right into Strahan proper instead of to Pine Cove? The difference in cost would be about £15,000.

36. From your knowledge generally and your connection with the Mount Lyell Company, do you think it would be an advantage to have the term within which the railway can be bought by the Government extended to a time contemporaneous with the leases? Certainly. It is a matter of vital importance to the company. The railway is essentially a most important part of the whole scheme. The whole

of our smelting supplies have to come over the railway. Any change in the management might so alter the conditions that smelting operations might be considerably hampered. I take it that the operations of the company, both in regard to smelting and working the railway, are so tied together as to be almost inseparable.

37. *By the Chairman.*—You laid a Schedule of Rates on the Table—were these rates ever gazetted? Yes, the by-laws relating to them were.

38. Were they gazetted in exactly the same terms as in the Schedule? Yes, the by-laws were, in the *Hobart Gazette*.

39. What I want to do is to identify this in some way. The Bill says “the tolls, rates, and charges for the carriage of goods, merchandise, live stock, and other things shall not at any time exceed the tolls, rates, and charges authorised by the Governor in Council on the eleventh day of March, 1897.” Ten or fifteen years hence, it would be difficult to find out what those rates were? You could produce the *Gazette*.

40. The terms are “approved by the Governor in Council.” I think we should add “and published in the *Gazette*”—would not that be better? Perhaps so.

41. What is your grade on the adhesive portion of the line? 1 in 40 is the maximum on the adhesive portion of the line, the same as on the Government Railways.

42. Do you find the maintenance on the Abt grade greater? It is naturally greater. The continual and necessary attention to the Abt bars is a constant expense, and the continual greasing of them another.

43. What brake do you use? We use three systems of brakes—On the engines, it is a Le Chatelier brake, a counter-pressure brake working on the cylinders; then there is a strap-brake on the pinions of the engine. Every vehicle through the train is fitted with an automatic vacuum brake,—the reason of that is to avoid accident in the event of a coupling breaking.

44. And the brakes on the trucks, are they fitted on to the rack? No, Sir, on the adhesive wheels—on the side-wheels.

45. And is that sufficient to stop a train from running back on a 1 in 16 grade? Oh yes, amply.

46. *By Mr. Bradley.*—Suppose the rack went wrong? The brake-power would be sufficient.

47. *By the Chairman.*—Suppose a few trucks got away going up the 1 in 16 grade, would the vacuum brake be sufficient to stop them—I understand the brake is only on the two outer rails; would not the trucks slide down on the 1 in 16 grade with a brake of this nature? No; the brake power would be quite sufficient. When the railway was first completed it was with adhesive rails, and we had to wait for six months for the arrival of the rack bars from Germany; we had to work entirely adhesively. The trucks were taken in twos to the top of the hill. We have taken as many as twelve trucks to the top before descending the grade. Then the engine has gone to the front of the train, and has safely gone down the 1 in 16 grade without any other brake. That has since happened frequently during the last nine months when the Abt engine has had to be laid up for repair. We have had to go down on the vacuum brake. That demonstrates that the vacuum brake can be relied on to hold a train without any other brake at all.

48. Have you never had an accident? We have never had an accident on the line yet.

49. Does your company intend extending the railway from Teepookana to East Strahan? Well, I would prefer that you put that question to the Chairman, Mr. Bowes Kelly.

50. If you do carry the line to East Strahan where will the terminus be? At Regatta Point; that is the place authorised by Parliament; that is a point just beyond the cemetery.

51. I don't understand what you mean by “authorised by Parliament?” That is the only terminus available. If we had to join with the Government wharves we should have to approach Parliament in order to do so. The terminus now sanctioned is at Regatta Point.

52. Have you estimated the cost of extending the line to Regatta Point? Yes, £35,000.

53. How many miles? Seven and three-quarter miles. I can produce the actual estimate if wanted.

54. If your line is taken to Regatta Point or somewhere else at East Strahan, will the company have any object then in keeping the King River open? Yes. We must keep it open while the line is building, as all the traffic must come by the river before the line is built. As to the objection that in the course of our operations we might cause obstruction in the river, for our own interests the work must be done skilfully all the time, until the railway is built.

55. *By Mr. Hall.*—What is the length of the line from Teepookana to Lyell,—the length of the line to Lyell, what is it now? To Lyell? The route we are alluding to only goes as far as Queenstown.

56. Well, to Queenstown? 14 miles, 30 chains.

57. Did I understand you that the cost was £144,000? Yes, with rolling stock. The actual cost of the line to 31st March this year was £121,237 8s. 4d.

58. Then, you put the cost of construction at £121,000? Yes.

59. And the rolling stock? £23,286 11s.

60. Then, the line from Teepookana Bridge crossing the King River would cost only half that amount? The expense of the line to Strahan will be much less. It is a more easy country, nice open button-grass country for a part of the way, with an easy formation: then the extension to Strahan will not necessitate rolling stock, as that is already furnished.

61. Yes, but then you say it will only cost £35,000? Yes. The Strahan extension will cost a little over £4000 a mile, the company's existing line cost over £8000 a mile.

62. I am not quite clear as to the profit on this line, Mr. Driffield—you said it was under one per cent? No, I said 4·6 per cent., and 1 per cent. from the public traffic alone.

63. Then, you see there are the employees of the company residing at Queenstown and Gormanston. I can't understand why the public traffic should only amount to 20 per cent., or one fifth of what is carried on the line for yourselves? These figures can be verified, Sir. 21·4 per cent. is the total. These were the traffic returns taken out for the past six months.

64. You are aware, Mr. Driffield, that a public meeting was recently held at Queenstown, protesting against these concessions. Can you give the Committee any reason assigned for the objection taken by the public,—for the objection against the additional mileage on the line? Well, the arguments advanced were this, that the prices the people were already paying they considered enough; that the balance-sheet showed

a profit, and that the company should be content with that. That was all that was said. The arguments gone into were gone into principally by one man, and that was the editor of the paper.

65. It is rumoured that a petition will be presented against this Bill—do you know anything of that? I know that a petition was being got up, but I don't know if it has been presented. The petition was the outcome of a resolution carried at the meeting: I may say, that the meeting was so sparsely attended that they had to send a bell round to get the people to come in.

66. *By Mr. Mackenzie.*—Were the surveys made before the company asked for the Bill? No; the survey was just being projected when they got the Bill.

67. Then, you would not have known then that you would require the Abt system? No; they did not know this then, and they had to apply to Parliament for an amending Bill to give them power to construct the line on that system.

68. Then, you put the cost of the Abt system at double the cost of the adhesive system? Yes.

69. You say that any timber that might fall into the King River is invariably carried away by the stream, so that it would not impede the navigation—you said it was swept away? No; when I said it was swept away I mean that it goes into deeper water.

70. In the construction of the railway you would bring down a much larger quantity of timber than usually falls: would not that cause obstruction to the traffic? No, I don't think we should bring down a larger quantity of timber, only at the three bluffs I have mentioned. At other places there is sufficient flat ground to allow the timber to be intercepted. At these particular bluffs we would fell trees into the water that it would not be possible to avoid.

71. You would have to fell the timber for a considerable distance up the cliffs before the line would be perfectly safe? Yes, that is the trouble, and we can't prevent those trees from falling into the river.

72. And when the line is constructed to Strahan would there be any necessity, as far as your company is concerned, to keep the river open for traffic? After the line is built I don't think there would be necessity to keep the river open; but the river is under the jurisdiction of the Strahan Marine Board, and they possibly would care to have it open.

73. What depth of water is there on the bar at the entrance of the King River. Well, there are two bars, an outer bar with from 2ft. 10in. to 3ft. of water, and an inner bar with 2ft. 6in.

74. Does the tide operate there? Yes, to the extent of about 18 inches.

75. What is the depth? At high water it is 3ft. 6in.; on the inner bar it is 3 feet.

76. Then you would have to keep the river navigable to that extent, and any deeper water would not be necessary? Yes, but it would be unwise to allow any obstruction to come nearer than 6 feet from the surface.

77. You say there is 40 feet of water in the river? Yes, it varies in depth up to 40 feet.

78. Does any of the timber wash down to the bar? Trees do not; I don't know if the boughs interlace or not, but somehow the timber does not shift. You rarely see snags moved.

79. You said one of the reasons you have for wanting the rates fixed instead of being subject to variation is that the climate is so rough there? Yes, Sir.

80. Is the climate worse there than on the Zeehan-Strahan Railway? Well, we are under the impression that we have a heavier rainfall. The first year 144 inches fell; I don't think that Zeehan has ever touched that for a rainfall—yet the two places are close to one another; still, the environment of trees and scrub may make a considerable difference.

81. Then the climate is so much against you that you think it would increase the cost of maintaining the railway? Yes, as compared with other railways in the island. The climate, so far as the West Coast is concerned, is equally as applicable to the Zeehan Railway as to the Mount Lyell Railway. We can't say that our winters are more exacting than on the Zeehan line, but both railways are worked under much more adverse conditions than other railways in the island.

82. *By Mr. Butler.*—In summer it is the same? Of course.

83. Then I understand that the extra cost for working the Abt system in in vogue, and is allowed in other similar places in the colonies? Yes, Sir.

84. *By Mr. Pillinger.*—I believe no objection was made by the company to the fixing of the rates in the original Bill? I believe not.

85. I know the whole of the line excepting the Abt section that is carried out under the provisions of the Bill. It seems that it is only the necessity for the introduction of the Abt system that gives you a claim to come for extra rates, and you claim on the extra cost of that system? Yes, we claim on that system and its extra cost.

86. And it is only on the Abt portion of the line that you ask for the difference? Yes, Sir.

87. The railway company and the mining company are one, are they not? They are, Sir.

88. Then, as far as the carriage in connection with the mine is concerned, it is a mere matter of book entry? Yes.

89. You say that the cost of working the mine is increased so far as the extra freight on goods to the mine? Yes, but that makes no practical difference to the shareholders, only under the policy of the company the two concerns are kept separate and the difference in cost is shown in their balance-sheet.

90. You said that you get a profit of 4 per cent. on the whole of the working of the railway? Yes, on the whole traffic.

91. And you say that of that four per cent. profit, there is only one per cent. profit on goods carried for the public? Yes, Sir.

92. Does not each ton of goods carried give the same profit? Do you mean that to apply to each ton of the differential goods?

93. I mean that each ton of goods carried must give the same profit—is that so? The differential goods do not. For instance, a ton of coke or coal would not give the same profit as a ton of jam, or of machinery, or other things for the company.

94. That is how you explain it? Yes. The tariff is a differential one, and varies from 2*d.* per ton to 9*d.* per ton per mile.

95. I can't see where you get the difference. Whatever your rates are they must give you the same.

profit. The same profit would arise on a class of goods such as drapery as well as on coal, is that not so? Say it were a ton of timber, we carry that through at half the cost of ordinary goods—you can't say it would give the same profit.

96. Of course in taking out accounts you classify the goods for particular reasons, but when the returns come in you deal with the totals, is that not so? Yes, Sir.

97. Then, from a railway point of view, the other goods carried for the public must give 4 per cent. profit in the same way as goods carried for the mine? No, Sir. The capital cost has to stand against both classes of goods. Your £144,000 has to go against the one-fifth which represents the public goods as it has also to go against the whole of the goods carried.

98. It wants explanation. Your object is the same on all classes of goods from a railway point of view? Yes, Sir, from that point of view.

99. In producing returns we never take out particular kinds of goods? We have to do it, in order to show the great difference between the company's traffic and the public traffic under the differential rates.

100. You ask for a repeal of Section 5 of the Mount Lyell and Strahan Railway Act. Did you ever experience any improper treatment under the clause which would require an alteration? Well, the clause was put into the Bill after the damage, if any was done. Without referring to individuals we believe it was dictated from personal motives by a certain resident at Strahan. When the clause was applied the line was practically finished; that is when the Bill was passed. The operation of the clause has therefore never come into force. I may take the opportunity of explaining that trees that then fell into the river at some points have never given trouble, because they have never afterwards been seen.

101. Steamers go up the river now, do they not? Yes, there is a better traffic now than there ever has been.

102. Yes, but the operation of that clause would only apply when the navigation was stopped? Well, the company hardly know what power the clause does confer.

103. Well, that is the way we treated it in the Department, that it would only be when obstruction took place that the clause would apply, is that not so? Well, it is the law, and it might have to be interpreted by any two Justices, and they might make it apply whether there was obstruction or not.

104. Great complaint was made against the clause and it was argued that the timber would not stop the navigation, but it was also said that when the floods came down it was likely that the timber would stop the navigation? The only timber ever found round the river mouth is pine that has been cut by piners on the river banks.

105. You say you can't help throwing timber into the river, would not that timber be likely to obstruct the navigation further down? No, the timber is too heavy, and it goes to the bottom. I must explain that some time ago I visited the Gordon River. Nearly all the timber cut there is pine, which is sent down the river. That has been going on for a number of years till the present time, and now the shores of the river are a mass of pine-tops.

106. Is there no other timber there? No, all pine-tops, and that is what has happened in the King River in the same way.

107. I see there is a provision in this Bill to prevent the purchase of the line by the Government until the Mount Lyell leases fall in. Under the Mining Acts the company has the right of renewal of the mining leases—How would you work that in?

Mr. Butler.—We only want the right of purchase to be coterminous with the leases.

Witness. It is only proposed to make it coterminous with the leases.

108. *By Mr. Bradley.*—As an Engineer of Railways, you have already told us that it is simply impossible to construct this line round these bluffs without tumbling timber into the river? Yes, sir.

109. And from 3 feet 6 inches to 4 feet is the water on the bars.—For your own sakes I should think you must keep the river clear? Yes; just so. Some honourable members may have been there, and they will know the nature of the sides of the river, how precipitous they are.

110. What is the width of the river there, the average? The average width at these bluffs, I doubt if it is much over 100 feet.

111. About a chain and a half? Yes.

112. And mostly deep? Yes; that is where the river is confined. At those points it is deep, as there is no chance of its spreading out and the velocity of the water is greater.

113. *By the Chairman.*—What is the present first-class fare from Teepookana to Mount Lyell? 5s. single and 7s. 6d. return.

114. And what is the steamer fare from Teepookana to Strahan? 2s. 6d. return and 1s. 6d. single.

115. If you extend the line from Teepookana to Strahan, what, under the Schedule of Rates would be the first-class fare from Strahan to Queenstown? It would be 7s. 8d. single first-class and 11s. 6d. return.

116. And what second-class fare would they charge? The rates are 4d. per mile first-class and 3d. per mile second-class.

117. If you take second-class, what would it be from Strahan to Queenstown? From Strahan, that would be 5s. 9d. single and 8s. 8d. return.

118. Do you propose putting on second-class carriages? Yes, Sir. In explanation of the present charges I may say we have not been able to adopt the second-class fares as yet owing to our being short of rolling stock. We have had to cope with very heavy traffic with only one Abt engine. The object of the company is to adopt the second-class fares as soon as possible, and we have three coaches building now.

119. When will they be running? Well, two of them are running now.

120. At second-class fares? No, not at second-class fares yet. We are waiting for the engine. It is in the *Grafton* now. When we may be able to get it ready I do not know.

121. You are charging the maximum rates now, are you not? Yes, the differential rates on goods, and the maximum rates for passengers.

122. *By Mr. Butler.*—Suppose the Company goes right into Strahan, whether you add on the nine miles for the Abt section or not, would the cost of the transit of goods be more than it is at present from Queenstown to Teepookana, and then from Teepookana by river to Strahan? That is a difficult question to answer. Goods as conveyed by steamer or ships upon a rate are by measurement, but the custom is—

THIRD CLASS—7s. 6d.	FOURTH CLASS—11s. 3d.
Barley, Grain, in Bags	Acids, Packed, Double Rate. O.R.
Beans, Colonial Produce, Whole or Crushed	Dangerous
Bran	Ammunition, Double Rate. O.R.
Bullion, Unrefined; being a mixture of Silver and Lead	Dangerous
Clay. O.R.	Boats, Minimum charge as for one ton. O.R.
Flour	Bodies, Shafts, and Wheels, Dray. Minimum charge as for half ton each consignment
Lead, Pig	Boxes, Empty (not returned Empties), Rate and Half
Oats	Bullion, Refined
Skins, Sheep, Kangaroo, &c.	Cartridges, Packed, Double Rate. O.R.
Stone, Kerb or Dressed	Dangerous
Vegetables (Garden), Fresh Packed.	Demijohns, Glass, without Wickerwork, Rate and Half. O.R.
Wheat	
Wool	
	Ladders, 16 ft. long and under, to be taken at 60 ft. run to the ton; over 16 ft., at 40 ft. run to the ton
	Mining Pipes, Iron or Galvanised
	Ditto, ditto, where less than 5 tons can be carried in an ordinary truck, Double Rate
	Tanks, Iron (Empty), up to 400 gallons. O.R.
	Tanks, Iron (Empty), over 400 gallons, Rate and Half

* Minimum Weight, 6 tons.

GOODS TARIFF.—Except where otherwise stated, First Class, 4d. per ton per mile; Second Class, 5d. per ton per mile; Third Class, 6d. per ton per mile; Fourth Class, 9d. per ton per mile.

131. In reference to Sub-section 2 of Clause 5, we are asking to add nine miles to the ordinary mileage in consequence of the Abt section. Have you got any notes on that subject? Yes, I have made some notes, which are as follows:—"New clause, to enable the company to charge three miles for each single mile of the Abt portion of the railway. It has been explained to me that when the original Act was passed granting powers to the Mount Lyell Company to construct its railway the Promoters were under the impression that they would be able to construct an adhesive line. It was found, however, advisable to "bunch" the grades, and to use auxiliary power for the steep gradients. This brought into existence some four and a half miles of line on which is used the Abt engine. The cost of this piece of the line will be found, I believe, to be considerably more than double the cost of the other portions of the line, and the working expenses will be at least double if not more than they would be over an easier gradient worked by adhesive engines. There is precedent for charging the additional mileage asked for by the Company, and it appears to me to be a reasonable and fair request. Some twenty years ago I had an insight into the working of a line of a similar description. The system is known as the "Fell" system. There is a centre rail which is gripped by horizontal wheels. The locomotives have four cylinders similar to those in use on the Abt system. The cost at the time I am speaking of for engine power alone was 5d. per ton per mile; that is, it cost 5d. to haul a ton of goods each mile over the incline. It now costs, I believe, on the same line (the Rimutaka) 4d. per ton per mile. On this line the New Zealand Railway Department levies higher charges, in the same ratio as is now proposed by the Mt. Lyell Company.

132. *By Mr. Mackenzie.*—What is the distance? I think it is about 2½ miles.

133. What is the cost on the adhesive system? That will vary according to the nature of the grades. The additional charge proposed to be levied by the Mt. Lyell Company taken at the lowest rate in the tariff would add 1s. 6d. per ton to the present rate.

134. What is the difference of haulage on the adhesive system? Well, the average cost on the Tasmanian railways per train per mile for engine power is about a shilling, and the average load about a hundred tons.

135. I want some information about the New Zealand line. If the cost of the Abt or Fell system is 4d. per ton, what is the cost of the adhesive system? It will be much the same as our own—about a shilling per train mile for engine power. I have not worked it out at per ton; it would be a small decimal. You want a special allowance to work an auxiliary system over steep grades; the cost of the engine-power alone has been worked out at 4d. per ton. Under ordinary conditions the whole train load would only cost, say, a shilling a mile, which is the cost on an adhesive line for engine power. The cost of haulage on inclines is higher where the traffic is intermittent. If a train could be run every half-hour, then the cost would be very much lessened, but under the conditions of working in these colonies the cost is invariably very high.

136. This company ask to have an addition of nine miles to their ordinary mileage on account of the Abt system: is that a fair condition? I think so. It is the same proportion as has been allowed in New Zealand. Seeing the character of the climate, the nature of the freight, and seeing that the cost of stores and other things would be so much more, I think it is fair.

137. *By Mr. Hall.*—They ask two miles for one: is that not double the distance? Yes, I know that.

138. *By Mr. Pillinger.*—They really want to charge 13½ miles for 4½ miles, is that not it? They ask that for each mile two miles additional shall be charged. That is the proposal, and that is fair.

139. *By Mr. Butler.*—As to the clause which the company ask to have repealed—that clause as to debris or timber falling into the river—I should like to have your remarks about that? Well, Mr. McCormick, who has had great experience of construction, could give you more information than I could. If it is found impossible to construct the line without infringing upon this section of the Act, I think it would be found possible to frame a regulation to meet the case. The work of construction should be carried on under the supervision of some Government engineer, who would see that all debris was removed if less than a certain depth under water, and that the fairway was kept open for navigation during construction. However, Mr. McCormick has experience of that class of business, and he can give you the necessary information. You do not ask about the Clause referring to the minimum weight of truck loads.

Mr. Butler.—Oh, that is to be struck out.

140. *By the Chairman.*—I should like to know why that is to be struck out? *Mr. Bach.*—I may say that the Mount Lyell and Strahan Railway Company's Act was not sent to me for any observations,

nor to be revised, or I should have pointed out that the effect of that clause was to allow fifty per cent. more per truck load of goods than the Government tariff provides, therefore you are deviating from the object that you have in the fixed tariff.

Mr. Back withdrew.

EDWARD CARUS DRIFFIELD; *recalled and examined.*

141. *By Mr. Butler.*—In reference to the section as to computing the weight of the truck load, Mr. Driffield, how did this arise in the original Act? I am not quite aware how it arose, but I believe it was to give some concession in consequence of the Abt system. Owing to the way in which the tariff is worded in connection with the Zeehan-Strahan railway, we have never been able to make any use of the section, in consequence of the alternative rates. It has always occurred that the rates provided that another rate could be interpolated. Mr. Back remarked that the clause has the appearance of conferring fifty per cent. increase upon us—no doubt it has that appearance, but as a matter of fact it is useless to the company, and might as well be struck out.

Committee adjourned until 10.30 A.M. next day.

FRIDAY, 1ST JULY, 1898.

JOHN MACNEILL McCORMICK, *called and examined.*

142. *By Mr. Butler.*—What are you in the Railway service of Tasmania, Mr. McCormick? I am Engineer of Existing Lines.

143. You have seen the Bill to amend the Mount Lyell and Strahan Railway Act? Yes.

144. Look at Clause 3, which proposes to repeal Section 5 of the Mount Lyell and Strahan Railway Act of 1893. Will you tell the Committee what is your opinion of that clause as it affects the Mount Lyell Company in extending its railway along the banks of the King River? It may be made to operate very injuriously in making any railway along the banks of the river. In the construction of such a work the natural result is that debris will fall into the river from time to time, and earth subsequently may fall in, without any injury to the channel or river whatever. On the question of the penalty, it is absurd to assume that a period such as 48 hours is in any case sufficient time for the removal of an obstruction. The clause should simply give power to remove any obstruction to the navigation of the river, and then it will be for the Minister to deal with it. If the obstruction were not removed within a reasonable time, we might have a regulation under which it could be removed on terms fair to the Government and to the company.

145. Would you mind reading this clause, Mr. McCormick? (Clause submitted)—witness reads: “If in the exercise of the powers granted by the said Act, the said company causes any obstruction to the navigation of any river or stream, or any harbour, and the same be not removed therefrom within a reasonable time and without delay, it shall be lawful for the Minister, having first called upon the company to remove such obstruction, to have the same removed at the cost of the company.” Yes, I think that is a fair clause; it expresses all that the company should be amenable for.

146. *By the Chairman.*—Have you seen the survey of the line from Teepookana to Long Bay? No, I have been up the line from Teepookana.

147. You have not seen the plans yet? No.

148. *By Mr. Bradley.*—You have great knowledge of the construction of railways: do you think there would be much danger from letting off shots in going round the Bluffs, where the debris would fall into the river; Mr. Driffield told us that it would be quite impossible to prevent stones from going in? That is my experience in railway construction. If there is anything likely to cause an obstruction it is all on the side and must go into the river, but the obstruction can then be removed.

149. *By Mr. Mackenzie.*—You know the river from the Bar to Teepookana—is it navigable? Yes.

150. Would there be much timber to come down in clearing the line? Yes, a fair amount of timber; the slopes are steep, and there is timber right to the water's edge.

151. Which would be most damaging to the navigation, timber falling into the river, or the blasting of rocks into the river? That would depend on which offered an obstruction. Rocks will often obstruct, but it depends where they go, and how they affect the channel.

152. There would be, you say, a good deal of timber to come down? Yes; but it does not follow that it will go into the river. An occasional tree may go in, but not all.

153. Is there much timber in the river now? I cannot say. I know there are snags in some places, but no timber in the navigable portion.

154. *By Mr. Hall.*—You have been over the existing line? Yes, from Teepookana.

155. The line follows the King River for some distance? Yes.

156. During construction I suppose a large quantity of timber was falling into the river? Yes, I suppose so; I cannot say from my own knowledge.

157. You never heard any objection as to its obstructing the river down there? I heard no objection whatever.

158. In this amending Bill, Mr. McCormick, the Company propose to add nine miles to that portion of the line known as the Abt or Fell system for traffic purposes—is that a reasonable addition considering the cost of the system? From what I have heard I consider it is, but that is a traffic question in connection with freights, of which I have not much knowledge.

159. I presume you have had experience? Yes, and from what I have heard I think this is a fair addition.

Witness withdrew.

BOWES KELLY, *called and examined.*

160. *By Mr. Butler.*—Your name is Bowes Kelly, and you are the Chairman of Directors of the Mount Lyell and Strahan Railway and Mining Company? Yes.

161. You know the contents of the proposed amending Bill? Yes.

162. As regards the proposition contained in it, asking that the time within which the Government may purchase the railway may be extended to a time coterminous with the leases,—would you state the reason for asking that? The reason we ask that is, that it will be an advantage to the working of the mine. By the company having the control of the railway we can work the mine cheaper; but if the line were in the hands of the Government or of private individuals, the rates of traffic might be made so high that there would be no profit; as an adjunct to the mining property we can make such property pay on the treatment of the ores.

163. That is the real reason, chiefly, that you ask for this amendment? Yes. Then, it must be considered that when we go into Strahan it will benefit the Government and people, whereas by our Act we need not go further than Pine Cove.

164. You think it is a fair thing if you go to Strahan that you should be entitled to some consideration? Well, that is the opinion of the Board.

Mr. Butler.—I should like, with the permission of the Chairman—though it does not bear on the preamble of this Bill—to ask a few questions in connection with the non-payment of Income tax by the Company. The reason I wish to do so is that we have been told that the company not having paid the income tax, it would be likely to prejudice the passing of this Bill. If Mr. Kelly's explanation could be taken down it would be only fair to the company; because it scarcely seems fair that a question of payment or non-payment of income tax should prejudice the Company in coming before Parliament and asking for an amendment of a Railway Bill.

The Chairman considered the question important, and ruled that Mr. Butler might ask the questions, and any member of the Committee could protest if they considered that the questions were irrelevant.

[Examination continued.]

165. *By Mr. Butler.*—Would you kindly state, Mr. Kelly, to the Committee the reasons why income tax has not been paid by your company to the Government? Well, the Directors recognise that we stand in the position of trustees for the shareholders. We are advised by our legal advisers in Tasmania that by the Income Tax Act we are not liable to pay, and that until the Government show us that we are legally responsible and liable to pay, we can't do it; that is the position of the Directors of the Company. So soon as the Government show us by any step they may take that we are legally bound to pay the tax we are quite prepared to pay.

166. Have the Government taken any proceedings to compel the company to pay? None whatever.

167. And the company is prepared to argue it out before the proper judicial tribunal? Yes; we could not pay when our legal advisers in Tasmania tell us we are not responsible. It would, in fact, be unwise to do it till the Government force us.

168. And as Directors you have no wish to evade any just claim? None whatever.

169. I should like if you would tell the Committee what has been the expenditure altogether in connection with the Mount Lyell Mining and Railway Company since its commencement? You mean as to what we have expended?

170. Yes; the total amount of money you have expended? Up to the 31st May last the company has expended £750,556 11s.

171. And how much out of that has been expended in Tasmania? £500,000 in Tasmania.

172. I should be glad if you will tell the Committee how much has been paid to the Government in duties, rates, rents, income tax? £2215 14s. income tax has already been paid.

173. And the Government now claim £9000 more? Yes.

174. What is the total amount of everything—rents, duties, income tax, &c.—paid to the Government? For rents on leases, duties, income tax, wharfage, &c., up to the present, £21,640 10s. has been paid to the Government of Tasmania.

175. *By the Chairman.*—What amount would represent Customs duties—have you got it in a separate account? Yes, duty and wharfage together came to £13,250.

176. And Customs? For Customs £1207 14s. was paid during the last month, that is, June; that is included in the £21,640 10s.

177. Would you be ready to accept a condition, if you obtain an extension of time within which the Government may purchase, making it coterminous with the special leases, that you should first of all construct the railway from Teepookana into Long Bay—would you agree to that? Yes. We are quite prepared to accept that condition.

178. Put it in another way, that you should not get an extension of the period of purchase unless you first extended the railway to Long Bay, Strahan? Certainly. It is four miles to go to Pine Cove from Teepookana; it is eight miles from Teepookana to Long Bay—double the distance.

179. *By Mr. Mackenzie.*—Your terminus would be on the opposite side of the water from the other terminus? Yes, where the Hospital is, on that side.

180. *By the Chairman.*—Would you be willing to junction with the Government railway on the Strahan wharf if satisfactory arrangements could be made with the Government? That is a point more in Mr. Driffeld's line than mine. I don't know personally what has been done, or whether they have come to any terms. I don't think the company would object to junction if there should be any traffic with the Government lines; I don't think we could work at the same station. It would mean double control.

181. *By Mr. Mackenzie.*—I don't see any advantage as far as the Government is concerned unless you junction on the same side on coming to Strahan? Some years ago it was considered that it would centralise all their departments and bring them under one head. If we go only to Pine Cove it would necessitate policemen, a telegraph office, Customs office, with schools, and so forth. They pointed that out when we stopped at Teepookana. They did try to make us go into Strahan then, but it was not necessary to go to Strahan immediately, and by stopping at Teepookana it saved us the

expenditure on eight miles of railway by using the river at the time: but the company would have no objection to junction with the Government railway.

182. *By the Chairman.*—Then, I understand that if the Government wish the Company to junction the Company would be willing to do so, but does not wish to be compelled to use the same station and wharf? Yes. I don't think the Government want that either. I think Mr. Back would object. There would be double control, and I don't think it would do.

183. *By Mr. Bradley.*—From your experience as a practical man do you think if the Company were forced to junction that there would be room for the combined traffic, so far as the wharf and the station accommodation is concerned, on the west side. I am looking forward to what may be required in view of a probable great traffic in the future? You mean would there be sufficient accommodation. Mr. Drifffield can answer that. As a layman, I should say not. I understand that the Government or the Railway Department are going to increase the wharf and station accommodation. There is not sufficient room at the present time; but, apart from that, the double control is the trouble,—our goods going over the wharf and the railway line. I think if we come into Strahan we should have a wharf of our own on the opposite side. Should we junction it would be with a view to picking up passengers, &c. I think we should have our own goods station on the other side. There is no room for a station or the company excepting at Regatta Point.

184. *By Mr. Machenzie.*—Is there any power in your Act—any clause giving the Government power to run over your line? I could not answer that question, but I don't think that the Government has taken this power. Speaking from memory, Mr. Back gave evidence on the provision on the occasion when we wanted a Bill for the introduction of the Abt system. He said then that our railway would be no benefit to them, because the trucks on his lines could not run over the Abt section; so that running powers would be no advantage. If it is in the Act I don't remember it; I don't think it is.

185. I ask the question because I know that power was given in the Main Line Railway Acts—I don't know if it was in regard to any other? I am speaking from memory, but I think it was dealt with in Mr. Back's evidence before a Committee.

186. You don't think your company would have any objection to junction in with the Government railways? I don't think there would be any objection. There would be the cost of a mile of railway which would have to be paid for.

187. I mean there would be no engineering difficulties? No, but you would be crossing over freehold land, and that would have to be bought.

188. I suppose you are aware that some of the Queenstown people have been opposing the extension of the railway. There has been a public meeting, and I understand that a petition is in existence somewhere against the construction of this line. Do you know of any grounds for objection? No, I have heard of no objection to the extension, but they object to the rates being raised. It is not the extension they object to, it is the rate, I believe. The extension would benefit them.

189. Of course I can only get my information through the press, but I understand there is some objection by a Committee, but I was not quite sure as to what the objections were? I only get my information from the press, but, from indirect information, I understand it is the increase in the rates they object to, and not the extension, which would benefit them. They run all the risk now of going across the harbour and up the river in these little boats.

190. Yes; it seemed to me to be rather inconsistent that they should object at all? They could not stop us extending our line.

191. *By Mr. Butler.*—From what Mr. Hall said, he is anxious to get at the reasons, because he could not understand the objection, when the people would get a distinct benefit. The nine miles is added for the Abt system? Yes; the nine miles is added for the expense of running the Abt section. With the grades fixed in the Act of 1892 we never contemplated having to run the Abt. Under the original Act the grade was to be 1 in 40. When the country came to be surveyed we found that we could not get 1 in 40, but that it was 1 in 20 and 1 in 16, and these grades had to be worked, and Parliament gave us the right to construct a railway having the Abt or Fell system.

192. *By Mr. Hall.*—Then, what you think is that the only objection would be as regards the additional nine miles to be added in consequence of the expense of working the Abt system? Quite so.

193. Before the construction of your line, what was the average freight from Strahan to Queenstown by road? In the early days we have paid as much as £6 per ton, but when we had a large amount of machinery to be carried, we got it down to £4 5s. per ton.

194. And was that the lowest you got it to? Yes.

195. On the railway it is something under 30s., I believe? Yes, somewhere about that. The public used to pay £6 a ton.

196. Some Members think that the old road rates of traffic were little more than by the railway? Oh no; that is not so. The reason we ask now for the extended mileage of nine miles is because we are informed and believe that is the custom in New Zealand, where they have the Fell system.

The Chairman announced that he had applied to the Attorney-General, who had forwarded the petition referred to in evidence for the information of the Committee. The petition was addressed to the Governor, and was read by the Clerk. (See Appendix).

EDWARD CARUS DRIFFFIELD, *recalled and examined.*

197. *By Mr. Butler.*—They make a great deal, in this petition, of the profit as shown in the last half-yearly balance-sheet. You gave us some evidence in your examination-in-chief as to the actual balance-sheet; I should like you to mention it again? The actual figures quoted from the balance-sheet are correct, with the exception that nothing is provided for a sinking fund or for depreciation, as I pointed out in my previous evidence. According to the figures quoted by the petitioners the profits look large, but

when a sinking fund is provided at the rate of 5 per cent. on the capital cost, and depreciation at 6 per cent. on the capital cost, the actual profits are reduced. The net amount is £3336 2s. 6d., which represents an actual return of 4·6 on the actual amount invested, which is £144,523 19s. 4d.

198. How much have the people who are petitioning against the Bill contributed towards the profit? The actual amount was one-fifth of the total traffic. I may mention that I was present at the public meeting, and in the discussion I was particular to mention that fact so that they might have it before them.

199. You notice there is mention made of no second-class carriages being provided. I should like you to state, for the information of the Committee, if it is the intention of the company shortly to provide them. You said you were building carriages, but did not state whether they were soon to run? Yes; it is the policy of the company to meet the wants of the public in every way. The reason why we have not been running second-class carriages was, that the company has to deal with a much larger traffic than was anticipated, with very limited rolling-stock, and we could only deal with one class of carriage and passengers. We have been so hardly run for the carriage of goods and materials that it might have led to passengers being ignored altogether. The company want to comply with the Act in every way; carriages are now being built, and when built passengers will be able to run in second-class carriages.

200. Then, it has been really the want of rolling-stock and engines that has prevented you running second class? Precisely.

201. Mention is made in the petition of the terminal charges, and they say you make a profit out of them, and that such charges are not made on the Government line. How do you explain that? That is not so. The terminal charges are identical with those made on the Strahan-Zeehan line, with the exception of one charge—craneage at Teepookana. That is not made on the Strahan-Zeehan line, and the reason of it is that the wharf at Teepookana is 30 ft. above the surface of the water, and the goods have to be landed by a crane.

202. It is necessary, I think, to ask you about the cost of living on the Coast. As far as Zeehan is concerned the charges are low, but without the railway the cost of living would be increased proportionately? As far as I am aware, living on the coast is cheaper than in the cities. At the leading hotels there is no question about it. The charge is 1s. 6d. for everything. A man can live on the coast in a leading hotel for 6s. a day. You can't do that at any decent hotel in Hobart.

203. Were you able to look through the names attached to the petition? Yes; the petition is decidedly a representative one as far as I can say. It is signed by the representative men of Queenstown, and I recognise one or two Gormanston names. I consider it is signed by the leading business people generally.

204. *By Mr. Hall.*—I should like to be clear on this matter. You say that the full return from the line is £13,000 odd; then that £6000 represents the cost of working expenses. That being so, the interest on the cost of construction would have to be deducted from the £7000 profit? Exactly.

205. Then, the people come down and say that your chairman represented at the half-yearly meeting that the books showed a profit of £7000. The people down there would think that you were paying 8 per cent. instead of 4 per cent.? The chairman's remarks, as reported, say that £7000 was the profit on working. It is not mentioned as the profit from all sources, but simply the profit from working.

206. I want this to be clear in the evidence, that the interest on the cost of construction must be deducted from the £7000? Exactly.

207. *By the Chairman.*—Where do you get the 8 per cent. from? From the fact that £7000 being the actual profit on the half-year, that would be £14,000 on the year, and that would be 8 per cent. on the capital cost.

208. *By Mr. Butler.*—That is, without allowing anything for interest or depreciation on the works? The way I stated that at Queenstown was this, that if a man went to the bank and borrowed £1000 at 5 per cent., and then let it out at 10 per cent., his profit would not be 10 per cent., but 5 per cent.

209. *By Mr. Hall.*—That is what exercises their minds. When I was there their minds were running on the idea that the company was making a profit of £7000 on the half-year's working, and it was represented to me and others that £6000 is shown on the balance-sheet, including interest on the cost of construction and everything. I said I was not in a position to make enquiry. They said they thought it was unfair that the company should be allowed to extend their line to Strahan and to keep up these high rates of traffic. They want it made clear that the interest on the cost of construction will be deducted from the £7000? To make it clear, I may state that the figures in the company's balance-sheet are simply figures showing the gross working expenses and the gross revenue, and that they make no provision for a sinking fund, or for interest on capital cost, or for depreciation.

210. You said, as a reason for this, that as it was a new line just opened, that it was not considered necessary to put anything down for depreciation in so short a period? The evidence I gave yesterday was this: that it was the policy of the company to bring all the operations of the company under one system, and that they did not want to charge depreciation on one part of the works, but wait till all were running, and then charge depreciation on the whole. The Chairman specially mentioned that in submitting his report.

211. *By Mr. Mackenzie.*—Are you charging on the maximum rates on your railway? Yes, the differential rates on goods, and, on passengers, the maximum rates.

212. And on those charges your net return is 4·6? Yes, 4·6 per cent.

213. That includes your working for the company as well as the public? Exactly.

214. You said that the company's work amounted to four-fifths of the whole? Yes, four-fifths of the whole traffic.

215. Then, if the company's work were taken out of the return, your profit from the public would amount to 1 per cent.? Yes. The line would not be paying.

216. By the public only returning you one per cent. of the whole? Yes.

217. Including cost of depreciation of works? Yes, and interest on capital cost.

218. Then, you ask under the new Bill to charge 3s. extra for the passenger traffic, that is on the nine miles? Yes, for the nine miles 3s., that is single fare excise, and then half for the return fare.

219. Then, you could not at a moment's notice give us any idea as to what that extra charge would mean in increasing the profit? Well it would be a hard thing to do, because it is impossible to gauge what the future traffic may be. It may increase or otherwise.

220. It is increasing now? Yes, it is so, but it would be very hard to give any reliable opinion on a point of that kind.

221. *By Mr. Bradley.*—You are going to adopt second-class fares? Yes.

222. *By Mr. Mackenzie.*—When your line is carried into Strahan it will mean 17 miles extra rate to be charged? Yes, 17 miles.

223. That will mean eight miles extension and the nine miles extra? Yes.

224. What is the charge on the boat? The freight charge on the boat is 6s. per ton; for passengers 2s. 6d. return and 1s. 6d. single.

225. Of course, when the line is finished, passengers would have the option of going by boat or rail? They would; that might make it policy on the part of the company to consider the advisableness of reducing the rates.

226. *By Mr. Hall.*—I presume you would not put any objection in the way of taking passengers from Teepookana by launch if they wished it? Decidedly not. With regard to second-class passengers, if this Bill were favourably received by Parliament the company would then make a special effort to get second-class passenger carriages on at once.

227. In reference to junctioning with the Government line at Strahan, Mr. Kelly, in his evidence, stated that it would not be desirable for the company and the Government to use the same station. He said there would not be room, and therefore you had decided to go to Regatta Point, but he said that would be a question for Mr. Driffeld: what is your feeling on that matter? Well, I have already had a consultation with Mr. Back on the matter, and we have entered fully into the whole details and arrangements, and, from a careful consideration of all the facts, I think it will be wise for the company to remain at Regatta Point, but to ask the Government to sanction a loop-line connecting the two railways. The line in the present state of the Strahan station is so cramped that if the two railways were working there it would undoubtedly lead to a great deal of trouble in the management of the traffic, and probably to a little friction. If the two were entirely separate, but connected by a loop-line, the traffic would be served better, and it would be to the interest of the public as well.

228. Then, in the interests of your company, you would advise that the connection be by a loopline, and only for passenger use? I think so, not only for passengers, but reciprocity of trade between Zeehan and Lyell.

229. *By Mr. Bradley.*—A loopline would be of more advantage? Yes.

230. There would be no engineering difficulty? No, the surveys are completed, and there would be no difficulty. I have given the matter a good deal of attention.

231. That one per cent. you get from the public means the traffic of the business people and all other mines combined? It means all the tonnage we receive from all other sources outside the company.

232. It means from business people as well? Exactly, everything.

233. *Chairman puts a question for Mr. Kelly.*—The petition says that those rates are the highest in the whole of the colonies: is that so? They are the highest in Tasmania, but I don't know how they stand with the other colonies.

234. The petition states that this line is now worked on a similar mileage rate to that levied on the Strahan-Zeehan line. Is this a fact, or that they are founded on a higher scale than any line in Tasmania or any Government line in Australia. Are these facts correct? No; the rates on the Waratah line are considerably higher than on any one line in Tasmania. The maximum rates on our lines are 9d. per ton per mile, the same as the Zeehan Line.

235. *By the Chairman.*—Do you know the rates on the North-East Dundas Tramway? No, I don't. I believe I can say that the Waratah charges are higher, and, I believe, on the North-East Dundas line they are also higher.

236. *By Mr. Hall.*—It is only a short time ago that the rates for the tramway were published through the press as issued by Mr. Back. The maximum was one shilling per ton per mile, and sixpence per ton per mile for ore from the Deep Lead to Strahan. That is a fact, the rates appeared in all the papers? Yes, that statement in the petition is not quite correct.

[62 VICT.]

*Mount Lyell and Strahan Railway.***As amended by the Select Committee.**

A

B I L L

TO

Further amend "The Mount *Lyell* and *Strahan* Railway Act." A.D. 1898.

WHEREAS it is desirable to further amend "The Mount *Lyell* and *Strahan* Railway Act" in the manner hereinafter appearing: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Mount *Lyell* and *Strahan* Railway Act, 189[7](8)." Short title.



2 In this Act—

Interpretation.

10 The expression "The said Act" shall mean the Act of the Parliament of *Tasmania* intituled "An Act to authorise the Mount *Lyell* Mining Company, No Liability, to construct and maintain a Railway from Mount *Lyell* to the Town of *Strahan*":

15 The expression "The said Company" shall mean the Mount *Lyell* Mining and Railway Company, Limited, and its assigns: and

The expression "The said Railway" shall mean the Railway which the said Company is authorised by the said Act to construct and maintain.

20 (The expression "The Minister" shall mean the Minister of Lands and Works for the time being of *Tasmania*.)

3 Section Twenty-nine of the said Act and Section Five of "The Repeal. Mount *Lyell* and *Strahan* Railway Act, 1893." are hereby repealed.

[*Private.*]

* * The words proposed to be struck out are enclosed in brackets [] ; those to be inserted, in parentheses ().

A.D. 1898.

Minister not to give notice of intention to purchase Railway until expiration of special leases.

4 (If the said Company shall within Three years from the passing of this Act construct the said Railway in accordance with the provisions of the said Act from *Teepookana* to a point in the Town of *Strahan* at or near *Regatta* Point to be approved by the Minister, then) notwithstanding anything contained in the said Act, it shall not be lawful for the Minister to give notice to the said Company of the intention of the Crown to take over the said Railway under the provisions of the said Act until the expiration of any special lease or leases granted by the Minister to the said Company under the provisions of "The Mount *Lyell* Company's Leases Act, 1893," and held 10 by the said Company at the date of the passing of this Act.

Rates and tolls chargeable by the Company for the carriage of passengers and goods.

5—(1.) It shall be lawful for the said Company from time to time to demand, take, collect, levy, make, sue for, and recover such reasonable tolls, rates, fares, and charges for the conveyance of passengers, goods, merchandise, live stock, chattels, and other things of whatever kind or description over and along the said Railway as shall from time to time be fixed by any By-law made in accordance with the provisions of the said Act; but such tolls, rates, fares, and charges for the conveyance of passengers shall not at any time exceed Fourpence per mile for First-class passengers, and Threepence per mile for Second-20 class passengers; and the tolls, rates, and charges for the carriage of goods, merchandise, live stock, and other things shall not at any time exceed the tolls, rates, and charges authorised by the Governor in Council on the Eleventh day of *March*, One thousand eight hundred and ninety-seven. 25

(2.) It shall be lawful for the said Company to add Nine miles to the actual through mileage in computation of the tolls, rates, fares, and charges for the conveyance and carriage of all passengers, goods, merchandise, live stock, chattels, and other things over and along those sections of the said Railway which are worked with the assistance of a 30 rack or third rail in accordance with either of the systems known respectively as the "*Abt* and *Fell* Systems;" (but such addition to the mileage shall not be allowed in respect of the tolls, rates, fares, and charges for the conveyance and carriage of passengers in any train unless accommodation is provided therein for the carriage of passengers 35 at both First and Second class rates.)

[(3.) A truck load shall be computed at Three tons, and when the carrying capacity of a truck shall exceed Three tons the weight loaded over that quantity will be charged *pro rata*.]

(4.) Members of the Parliament of *Tasmania* shall be entitled to 40 travel free over the said Railway.

(A If in the exercise of the powers granted by the said Act, the said Company causes any obstruction to the navigation of any river, stream, or harbour, and the same be not removed therefrom without delay, it shall be lawful for the Minister, having first called upon the 45 Company to remove such obstruction, to cause the same to be removed at the cost of the Company.)

Acts to be read together.

6 This Act and the said Act and all other Acts amending the said Act shall be read and construed together as one Act.