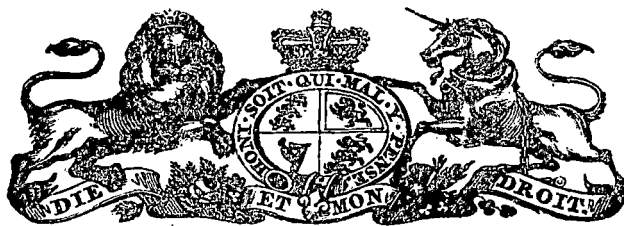


(No. 22.)



1872.

TASMANIA.

HOUSE OF ASSEMBLY.

LAUNCESTON AND WESTERN RAILWAY.

CORRESPONDENCE.

Laid upon the Table by the Colonial Treasurer, and ordered by the House to be printed, June 25, 1872.

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## LAUNCESTON AND WESTERN RAILWAY CORRESPONDENCE.

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### RESTORATION OF CAMERON'S CULVERT, AND COST OF MAINTAINING THE LINE. Nos. 1009 to 1031.

1009.

*Railway Commissioners' Office, Public Buildings, Launceston  
20th December, 1871.*

SIR,

As the matter of restoring the damaged portion of Cameron's Culvert has occupied the attention of the Directory of the Launceston and Western Railway Company for the past three weeks, and being desirous that you should be possessed of all the information I can give, I continue the statement of occurrences from mine of the 6th instant. (Parliamentary Paper, 1871, No. 30, page 224.)

On the 7th instant the Secretary of the Company, for some reason best known to himself, called a special meeting of the Directory for the purpose of getting an authorisation for the Company's Engineers to proceed at once with the work of restoring the damaged portion of Cameron's Culvert.

The meeting of the Directory was an unexpected one, as at the time it had not been determined whether the Engineers' services under contract had been completed. If, as it was insinuated, it was not, there would have been an imprudence to pay for work the outlay for which had previously been arranged.

The Secretary had written to the Solicitors of the Company for their opinion on the point. He did more: he, instead of sending the letter to the Solicitors, carried it himself, and read it to Mr. Collins, commenting at the same time upon it. Mr. Collins, however, desired time to communicate with his partner, Mr. A. Douglas, and desired not to be committed, although at the same time he could not say that the suggestions made to him by the Secretary were untenable.

A copy of the Secretary's letter submitting the case to the Solicitors accompanies this.

It will be noted that, while Mr. Dowling in his communication quotes from the contract between the Company and the Engineers all that might be construed in favour of the latter, no quotation is given that would likely have an opposite effect.

At the special meeting held on the 7th instant, the Secretary reported to the Directory, that although he had had no written opinion from the Solicitors, Mr. Collins' individual opinion was adverse to the Company.

When the Directory met on the 12th instant, being their usual weekly day of meeting, a letter from Messrs. Douglas and Collins, dated on the same day as that on which the special meeting was held—the 7th instant—was read, in which they state that "The Company are entitled to the services of the Engineers for twelve months after the opening of the line for traffic;" nor were the Engineers entitled to the last quarterly payment until the expiration of twelve months from the opening of the line for public traffic. A copy of this letter is also sent herewith, as also an extract from the Secretary's weekly report referring to his conference with Mr. Collins.

The Board having this letter, and the reply of Messrs. Doyne and Company, dated the 9th inst.—a copy of which is also sent—appointed a committee to make further enquiries and to report.

In regard to a statement in Messrs. Doyne and Company's letter to the effect that the "alterations made in the draft agreement were made at a conference between Mr. Doyne and the Board, and noted by yourself (Mr. Dowling), and agreed to by both parties," is a statement which cannot be personally known to the writer of the letter, Mr. Major. He had not then arrived in the Colony, and Mr. Doyne as well as Mr. Willett have left Tasmania. Mr. Dowling alone can apparently speak to the fact.

A Board meeting of the Directory was held yesterday, but the anticipated report of the Committee to enquire into this matter was not brought up.

*The Hon. the Colonial Secretary, Hobart Town.*

I have, &c.,  
(Signed) SAML. V. KEMP.

*SECRETARY'S REPORT of the 7th December.*

CAMERON'S CULVERT.

In this matter delay seems to me to be fraught with such risk that I have not hesitated to call a special meeting of the Directors, that some decided step may be taken to place the reparation in some competent hands forthwith.

I have had a personal explanation from the Engineers respecting their proposed charge of 15 per cent. for the plans, &c. of this work. Mr. Major explains that it is a job which requires much consideration and skill; that it cannot be left to a contractor, and involves an amount of personal labour, anxiety, and trouble which he does not desire to encounter, and will not undertake on any other terms than those proposed. He proposes for the payment to prepare the necessary plans for the repairs of the broken portions of the culvert with such additions as in their judgment will be necessary to strengthen the work and guard against further danger; to act personally in the selection and purchase of necessary materials, and generally to exercise engineering supervision, but not providing a Resident Inspector.

If the Directors determine upon placing this work in the hands of the Company's Engineers, I propose that Tidey undertake the resident inspection, the Board allowing him for the time a foreman of platelayers to assist him in his general duties. The arrangement would be practically to secure intelligent supervision at a cost of 60s. per week.

The Engineers expect the work to be completed in about six to eight weeks, at a cost, including their fee, of not more than £800. The Board will therefore notice that the outlay being £700 would give a fee of only £100 for engineering advice, plans, and the duties referred to elsewhere, or a fee of something less than 2 guineas per day; and having regard to the rate claimed and paid to men in these colonies professing to be Civil Engineers, and within the experience of members of the Board, I can't premise the demand anything but reasonable. Mr. Francis, who advised the Contractors last year, got some £500 and travelling expenses for his services.

Mr. Collins promised to have before the Board the opinion of his firm on the point submitted to them, but the communication has not been yet received.

(Signed) H. DOWLING, *Secretary.*

That part of the Report with reference to Cameron's Culvert having been again read and considered,

Mr. Weedon moved, and Mr. Button seconded—"That the Report of the Secretary giving such strong reasons of the absolute necessity for proceeding with the requisite repairs to this important work, instructions be at once given to the Company's Engineers to have the same executed." Carried.

It was then resolved that the recommendation respecting the employment of Mr. Tidey be submitted to the Engineers.

*Launceston and Western Railway, 7th December, 1871.*

DEAR SIRS,

CAMERON'S CULVERT.

I AM instructed by the Directors to direct that you forthwith proceed to effect the required repairs and works at this place, on the terms of your letter of the 4th, with the explanation you verbally offered yesterday, and which I reported to the Directors at a special meeting held to-day,—explanations I have since read to your Mr. Major, and which have his approval. I have forwarded to the Government to-day application for concurrence in the expenditure of not more than £800, but rely on your desire to economise to the Company of a careful expenditure, so far as this may be consistent with the rough repairs to this important work. I have submitted that by the temporary engagement of a foreman of platelayers, Tidey might act as your Resident Inspector, and generally assist in the work. This arrangement I shall be prepared to carry out upon your signifying your approval of it.

*Messrs. DOYNE, MAJOR, & WILLETT.*

I have, &c.,  
(Signed) H. DOWLING, *Secretary.*

*Launceston and Western Railway, Launceston, 8th December, 1871.*

DEAR SIR,

WE are in receipt of your letter of the 7th instant, *re* Cameron's Culvert.

We shall endeavour to make as sound a job of the culvert as it is possible to do with the present cross section, which, of course, cannot now be altered. We propose to strengthen the side walls by building counterparts at the back, and to lengthen the culvert to enable us to get a quantity of earth at the bottom of the slip.

We approve of Tidey acting as Inspector of the work.

We have, &c.,

DOYNE, MAJOR, & WILLETT, *Engineers.*

HENRY DOWLING, *Esq., Secretary.*

*EXTRACT from Secretary's Report of the 12th December.*

ENGINEERS' CLAIMS.

THE Solicitors have given me their opinion in writing adverse to the claim of the Engineers. Mr. Collins very naturally claims to protest against my having repeated at the last Board meeting the impression derived from a conversation with him as involving a breach of professional etiquette. No opinion being, strictly speaking, a legal opinion of a professional adviser unless committed to writing. I have forwarded the written opinion to the Engineers, and their reply is with the correspondence.

(Signed) H. DOWLING, *Secretary.*

True copies.

AUBREY WEEDON.

15. 12. 71.

*COPY of Case submitted to the Company's Solicitors L. & W. Railway and their Engineers, 5th December, 1871.*

DEAR SIRS,

THE Engineers have applied for the payment of £150, being the last instalment of £600 agreed to be paid to them by the Company during the 12 months next succeeding the opening of the said Railway for traffic. The question really opened by this demand is, whether the alteration in the period of maintenance made by the Directors—by which concession to the Contractors the period of maintenance was made to expire on the 1st of November—did not relieve the Engineers, and cause the payment of the balance of the £600 to become due on that day. They assert that, reading the 2nd, 7th, and 16th clauses of Mr. Doyne's agreement together, their contract ended with the conclusion of the maintenance by the Contractors.

The apparent discrepancy between these clauses, they allege, arises altogether from the fact that when the contract was drawn up it was their intention to make the Contractors maintain for 12 months after completion, that this intention was carried out by them in the condition subsequently imposed by them upon the Contractors, but was disturbed, contrary to their wishes, by the concession referred to. That consequently they insist that the 7th clause must be looked to as explanatory of purpose; namely, "super-vision of the Railway works during their construction, and maintenance by the Contractors." And they allege they have done this—indeed, this is not denied—and are entitled to payment of the balance of £150 referred to.

You will please advise what, in your opinion, is the position of the Company in respect to this demand; and whether the Board may successfully resist payment until the termination of the 12 months after the opening of the Line for traffic.

I have, &c.,

Messrs. DOUGLAS & COLLINS.

(Signed) H. DOWLING, *Secretary.*

*Launceston, 7th December, 1871.*

*Re* ENGINEERS.

DEAR SIR,

IN reply to your letter of the 5th instant, received by us late in the afternoon of that day, we are of opinion that the Engineers are not entitled to the last quarterly payment until the expiration of twelve months from the opening of the Line for public traffic. Sections 2 and 15 of the agreement are consistent, and we were surprised to notice an apparent contradiction in Section 7, but find, on reference to our original draft, that an alteration has been made (not in our office) by inserting the words "during their construction and maintenance by the Contractors." But as Section 7 is only a supplementary one "to do all other acts and things necessary," &c. it is governed by Section 2, and further qualified by Section 15.

The Engineers have nothing to do with the Contractors' agreement with the Company; the Company are entitled to the services of the Engineers for twelve months after the opening of the Line for traffic.

We have, &c.,

HENRY DOWLING, *Esq., Secretary.*

(Signed) DOUGLAS & COLLINS.

*Launceston and Western Railway, 8th December, 1871.*

DEAR SIRS,

WITH reference to your demand of £150, the last instalment of your contract sum, I beg to say that I have submitted the same to the Board of Directors, who have expressed a wish to have the opinion of the Solicitors to the Company as to the period when this amount is due; and this opinion having now been obtained, I beg to enclose a copy for your information. I have also to remind you that the question of supplying lands plans for the notices served on the proprietors of lands, and for the deeds of conveyance, remains open for reference before final settlement, and I shall be glad of your decision hereon.

I have, &c.,

(Signed)

HENRY DOWLING, *Secretary.*

Messrs. DOYNE, MAJOR, & WILLETT.

*Launceston and Western Railway Engineers' Office, 9th December, 1871.*

DEAR SIR,

WE are in receipt of your letter of the 8th instant, *re* our demand for the payment of £150, which we claim to be due under the terms of Mr. Doyme's contract with the Company, and enclosing a copy of the Solicitors' opinion on the matter.

We shall first reply to the Solicitors' opinion. We cannot see why the Solicitors should have made any reference to the draft agreement between Mr. Doyme and the Company: the signed agreement is the one on which any differences should be settled, but as they have done so we claim our right to make the following observations. You will remember that any alterations made in this draft agreement were made at a conference between Mr. Doyme and the Board, and noted by yourself, and agreed to by both parties. It is quite clear, therefore, that the intention of the contracting parties was that Mr. Doyme should only superintend the maintenance of the Line during the time that the Contractors had charge of it. It was surely the business of the Solicitors, when they saw that the alterations in clause 7 had been agreed to, to have made clauses 2 and 15 agree with it.

We beg to point out that the Board has acknowledged, by the payment of half the maintenance money to Messrs. Overend and Robb in May, 1871, that their term of maintenance commenced in November, 1870; and we submit that we are entitled to the same terms.

In reply to the latter portion of your letter, we beg to refer you to our letter of the 20th June, 1871, which fully explains our views on the matter; and we may add that in England, where the contract system of engineering is carried out to the fullest extent, Engineers have never been asked to provide the plans for the notices to the owners of land, or to put the plans on the deeds, these are always done in the Solicitor's office. We may add that the same practice prevails in the colonies wherever the system of contract engineering is adopted.

We trust the Board will not force us into an arbitration on these points; but if it should do so, we must reserve to ourselves the right to charge for the superintendence and completion of several works ordered by the Board, as well as the superintendence of the works on the Line between the 1st November and 1st December, 1871, and the organisation and putting in working order of all the gangs of men on the permanent way, which works we were especially requested to undertake by your letter dated 2nd November, 1871.

We have, &c.,

(Signed)

DOYNE, MAJOR, & WILLETT, *Engineers.*

HENRY DOWLING, *Esq., Secretary.*

1010.

*Colonial Secretary's Office, 23rd December, 1871.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 20th instant, in which you continue the statement of occurrences referred to in your communication of the 6th instant in the matter of restoring the damaged portion of Cameron's Culvert, which during the past three weeks has occupied the attention of the Directory of the Launceston and Western Railway Company.

I have, &c.,

(Signed)

J. M. WILSON.

S. V. KEMP, *Esq., Launceston.*

1011.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 3rd January, 1872.*

SIR,

CONTINUING my advices in regard to the restoration of Cameron's Culvert, I have now to acquaint you that the Committee appointed to consider the position of the Company with their Engineers have given in their report, a copy of which I send for your information.

It is right that I should add that Mr. Tyson, one of the Committee, availed himself of the meeting to state that he took exception to the 2nd clause in the report, and that in consequence there was a division upon it: the report, however, as presented was carried.

I send this communication through my Co-commissioner, Mr. Innes, requesting that after he has perused it for his information he will forward it to you.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

THESE proceedings were fully known to me, having taken place at a meeting of the Board, but they did not appear of sufficient moment to call for a report of them to the Government.

F. M. INNES.  
4 Jan., '72.

*COPY of Minutes, 20th December, relating to Questions between Engineers and Company.*

## ENGINEERS' CHARGES.

THE Committee on this question have met, and their Report is attached. (Secretary's Report to Board.)

## REPORT OF COMMITTEE.

On the questions between the Engineers and the Company, the Committee beg to report with reference to the question of the payment of £150 claimed by the Engineers to be due under Mr. Doyne's agreement:—

1. That after a careful review of the whole of the correspondence with the Engineers, and perusal of the contract made with Mr. Doyne, they are of opinion that the Engineers are bound to afford the Company their professional services on all matters connected with the Railway works until the 14th of February, 1872.

2. The Committee are also of opinion that the arrangement made with the Engineers for repairs of Cameron's Culvert should not be interfered with.

That, with reference to the lands plans, having carefully considered the papers herein with all correspondence,

3. The Committee are of opinion that the cost of preparing copies of the lands plans for lands purchased by the Railway Company cannot be charged to the Engineers under the agreement.

(Signed) R. GREEN.  
C. J. WEEDON.  
A. WEBSTER.  
W. TYSON,

Mr. Tyson, however, not agreeing to the 2nd clause of this Report, not considering the Committee had anything to do with that decision, but that it rests with the Board,

Mr. Weedon moved, and Mr. Webster seconded—The adoption of the 1st clause of the Report.—Carried.

Mr. Weedon moved, and Mr. Webster seconded—The adoption of the 2nd clause of the Report.—Carried.

Mr. Kemp asks a division.

*Ayes*—Messrs. Green, Robertson, Webster, Gibson, Weedon, Bartley.

*Noes*—Messrs. Kemp and Tyson.

Mr. Weedon moved, and Mr. Webster seconded—The adoption of the 3rd clause of the Report.—Carried.

Mr. Weedon moved, and Mr. Webster seconded—The adoption of the Report as a whole.—Carried.

Mr. Kemp asks a division.

*Ayes*—Messrs. Green, Robertson, Webster, Gibson, Weedon, Bartley.

*Noes*—Messrs. Kemp and Tyson.

True copy.

H. DOWLING, Secretary.

1012.

*Launceston and Western Railway Company, Limited,  
Launceston, 15th February, 1872.*

SIR,

I AM instructed to ask the concurrence of the Governor in Council in the expenditure of the further sum of £650, for completion of repairs and new works at Cameron's. The total amount of cost has been now ascertained to be £1495 (say £1500), of which His Excellency has concurred in the sum of £850,—£50 on the 8th November, and £800 the 18th December.

The further application of the Engineers on the 2nd instant was for £400, as annexed correspondence will explain.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

I RESPECTFULLY recommend for the concurrence of the Governor in Council the within application for the further sum of £650 for the completion of the repairs and new works at Cameron's Culvert, there being no alternative for the Company but at once to pay the amount expended by their Engineers under their sanction.

THEODORE BARTLEY.  
20. 2. 72.

SUBMITTED to the Executive.

F. M. I.  
22. 2. 72.

MORE mature consideration impresses me with the opinion that a part of this account properly belongs to construction and part to maintenance. The construction part embraces an additional length of the culvert, a large retaining wall, and additional earthwork to support the foot of the embankment. Details of these have not been furnished. The line was taken over by the Directory from the Contractors as completed; repairs, therefore, belong to the Company, and the sum of £800 first sanctioned to be spent I submit would be a fair adjustment of the account. The amount now sought in excess of this I think might fairly be covered out of revenue or maintenance. For the reasons stated in my communication to you of the 6th December last, I still take exception to the Engineers' charge; but as the work has been executed, the position I then took may be altered on account of the ruling of the Directory. The item of £55 for the carriage of the material required to repair this culvert I submit should be struck out altogether from the cost of the culvert.

With these explanations I would respectfully submit the whole for the consideration of the Executive.

SAML. V. KEMP.  
21. 2. 72.

I have added a copy of a letter from the Engineers of the 14th instant, in reply to one sent to them on the 12th instant from the Secretary, which seems to have escaped that gentleman's notice.

S. V. K.

(Copy.)

*Launceston and Western Railway, 2nd February, 1872.*

SIR,

I HAVE the honor to inform you that the Engineers of the Company have reported to the Directors that it will be necessary to provide £400 additional to the sum of £800 concurred in by the Governor in Council for repairing and further strengthening the culvert known as Cameron's. This expenditure is expected to arise chiefly from the necessity, which became apparent on opening up the ground, of increasing the strength of the retaining wall, and other minor works, for which provision cannot be made in any approximate estimate of repairs of the nature of those required at this culvert.

The Board of Directors have acquiesced in the necessity referred to, and have directed this application.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*



(Copy.)

*Railway Commissioners' Office, 5th February, 1872.*

SIR,  
REFERRING to the certificate to the Governor in Council for a further sum of £400 for restoration of Cameron's Culvert, we desire before forwarding the application to be supplied with the fullest information which the Engineers can furnish explanatory of the necessity for this further sum, and calculated to satisfy the Executive that the amount now asked will suffice for the contemplated additions of the work in question. We have no wish to arrest the progress of the application of the Directory; but aware as we are of the apprehension under which the Executive labours in respect to the outlay of the small balance remaining of the moneys applicable to the construction of the Railway, we desire, in forwarding this application, to anticipate and overcome, as far as we can consistently do so, any objections which may be made. An early answer will oblige, as we expect to see the Colonial Secretary here to-morrow or next day.

We have, &c.,  
(Signed) S. V. KEMP.  
F. M. INNES.

*The Secretary Launceston and Western Railway, Launceston.*

No. 293.

*Engineers' Office, 13th February, 1872.*

*MEMORANDUM for the Secretary. The Commissioners' Letter.*

Ascertained liabilities	£1250
Probable pay-sheets	160
Carriage of materials, L. & W. R.	55
Land compensation	30
	<u>£1495</u>

(Signed) DOYNE, MAJOR, & WILLETT, *Engineers.*

*Launceston and Western Railway, 14th February, 1872.*

DEAR SIR,  
UPON receiving the memorandum from your office *re* Commissioners' letter of the 5th instant, I waited upon your Mr. Major, but found him out on duty on the line. I am anxious to point out that the memo. you have supplied scarcely meets the request of the Commissioners. It is true it is calculated to prove that the sum of £1500, and not £1200, is the amount of money required; but it fails to convey an explanation of the necessity of the further sum beyond the £800 asked for on the 4th December: and this explanation being required by the Commissioners for the information of the Executive Government, as set out in their letter, I will thank you to furnish me for the Board meeting to-morrow.

I have, &c.,  
(Signed) H. DOWLING, *Secretary.*

*The Engineers.*

(Copy.)

*Launceston and Western Railway Engineers' Office,  
Launceston, Tasmania, 14th February, 1872.*

DEAR SIR,  
WE are in receipt of yours of the 6th instant, in *re* our charges for the supervision of Cameron's Culvert, in which you say, "the commission, you are aware, had reference to an expenditure of £800."

We must beg to differ with you on this point. We state in our letter of the 4th December, 1871, that "our charge would be 15 per cent. on the cost of the work," and you accepted those terms in your letter of the 7th December, 1871.

We are willing, however,—making the offer without prejudice in view of the unexpected outlay,—to accept a fee of £150 in full.

We have, &c.,  
(Signed) DOYNE, MAJOR, & WILLETT, *Engineers.*

HENRY DOWLING, *Esq., Secretary.*

(Copy.)

*15th February, 1872.*

DEAR SIR,  
IN reply to your letter of the 12th instant, we beg to say that we were under the impression that the memorandum we attached to the Commissioners' letter to you of the 5th instant furnished the required information "explanatory of the necessity for this further sum, and calculated to satisfy the Executive that the amount will suffice for the contemplated additions," the work being now almost complete.

With reference to the difference between the actual cost and our estimate of £800, we beg to remind you that on the 4th December, 1871, we said:—"It is difficult to make an estimate of the cost of this work, as the cutting out of the damaged portion of the culvert is a very risky operation, and must be done with the greatest care. We think the Board should be prepared to expend £800 on this job. Our charge for preparing the plans, &c. will be 15 per cent. on the cost of the work." We advised you on the 29th ultimo that the additional cost had "chiefly arisen in the retaining wall,—which, after opening up the ground, we considered it necessary to put in much stronger than we originally proposed."

After our letter of the 4th December, 1871, we received instructions from you "to proceed forthwith to effect the required repairs and works." This we did, with our usual desire to meet the exigency, without regard to personal convenience. It was just impossible during the progress of the work to pay much attention to forms of expenditure, beyond a careful supervision of the character of the materials and of the labour employed.

The work was essential, and urgent as it was essential: it had to be done at whatever cost, and any lack of promptitude and energy on our part would have led to the stoppage of the line,—a contingency which seemed possible to the last moment of the work.

The details of expenditure we now annex.

We have, &c.,

(Signed) DOYNE, MAJOR, & WILLETT, *Engineers*.

HENRY DOWLING, *Esq.*, *Secretary*.

*DETAILS of Expenditure at Cameron's Culvert.*

	£	s.	d.
159,100 bricks, at £2 . . . . .	318	4	0
2500 ditto, at 30s. . . . .	3	15	0
Cement . . . . .	234	7	0
Stone, inclusive of freight . . . . .	258	5	6
Pay-sheets . . . . .	237	15	2
Timber, O. & R. . . . .	13	10	0
Ditto, Elliss . . . . .	8	14	5
Sundry tools, Webster . . . . .	2	12	3
L. & W. R. shops . . . . .	22	17	0
Engineers . . . . .	150	0	0
Probable pay-sheets . . . . .	—	1250	0 4
Carriage, L. & W. R. . . . .	—	160	0 0
Land compensation . . . . .	—	55	0 0
		30	0 0
		<u>£1495</u>	<u>0 4</u>

D. M. & W.  
15. 2. 72.

HENRY DOWLING, *Esq.*, *Secretary*.

(Copy.)

15th February, 1872.

GENTLEMEN,

I HAVE the honor to request permission to withdraw my application of the 2nd instant for the expenditure of £400 additional at the Big Hill (Cameron's), and to ask you to recommend and transmit to the Colonial Secretary the enclosed application for £650; and as workmen have to be paid, who will doubtless become very clamorous on any delay occurring, I shall be glad of your prompt attention.

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

The Commissioners, *Launceston*.

1013.

MEMO.

WITH reference to Mr. Kemp's memo. of the 21st instant on the application of the Directors of the Launceston and Western Railway Company for the authority of the Governor in Council to the expenditure of the further sum of £650, for the completion of repairs and for new works at Cameron's, the Colonial Secretary would be glad to be furnished with the details of the expenditure forming the basis of his opinion that "the amount now sought in excess of this\* I think might fairly be covered out of revenue or maintenance."

S. V. KEMP, *Esq.*, *Launceston*.

B. TRAVERS SOLLY.  
28 Feb., 1872.

1014.

CAMERON'S CULVERT.

THE total length of this culvert rebuilt by Messrs. Overend and Robb after the floods in September, 1870, was 275 lineal feet, and cost £4642 10s. Thirty feet of this work gave way, caused by a slip in the embankment. This has now been repaired and rebuilt, and an additional length of 64 feet has been added, making the total length of the culvert as it now stands 329 feet.

\* The £850 already sanctioned.

The rebuilding of 30 feet, and with the additional 54 feet, has cost, according to the Engineers' showing, £1495.

The cost, therefore, divided stands thus :—

	£	s.	d.
To repairing and rebuilding 30 feet of the culvert, at £15 per foot.....	450	0	0
And to get at this damaged portion there was necessarily much extra work and material: this was the difficult part, as the earthwork around the culvert and the approaches thereto had to be shored up, the damaged portion of the work taken out and removed, and the inside portion had also to be shored up and afterwards rammed. At a low estimate I take this would cost at least .....	150	0	0
This I submit is repairs, and belongs to maintenance .....	£600	0	0

The 54 feet of new work—built outside at considerably less cost per foot,—also the retaining wall and earthwork, I submit, falls upon construction; and the difference of cost of the same and the Engineers' estimate, £1495 = £895, is the sum which, in my opinion, the Board can only lay claim to.

SAML. V. KEMP.  
2. 3. 72.

### 1015.

BY ELECTRIC TELEGRAPH.

29th February, 1872.

I AM instructed to ask if concurrence cannot be given to the culvert accounts. The labourers will be riotous if not paid on Saturday, and the tradesmen call daily for payment of accounts for bricks, cement, &c. bought on cash terms. The Chairman understands that the papers were sent on by the Commissioners last week. It has become necessary under these pressing circumstances to address you by telegram.

H. DOWLING.

*The Hon. the Colonial Secretary, Hobart Town.*

### 1016.

*Colonial Secretary's Office, 1st March, 1872.*

SIR,

I HAVE had under consideration your application by telegraphic message for the concurrence of the Governor in Council to expend certain sums of money in settlement of claims for repairs to Cameron's Culvert, &c.

The written application on this question has been again referred to the Professional Commissioner for further explanation, and therefore I am unable to convey to you, by this day's post, the determination of the Government on the claims submitted.

I have, &c.,  
(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

### 1017.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station,  
2nd March, 1872.*

SIR,

HAVE the honor to acknowledge letter of yesterday, which I have submitted to the Chairman. Am directed at once to say that it has been intimated to him that Mr. Kemp has recommended some portion of the expense of restoring culvert should be charged to revenue. I am to say that, with charge for duplicates and other construction expenses now thrown on revenue, it will be insufficient for ordinary working and repairing expenses if any further burthens are forced upon it. I am further to intimate that by Act No. 5, Section 9, the Governor has to decide any dispute between the Company and Commissioners; and the Chairman hopes that whatever recommendation as to charges on revenue may now emanate from the Commissioners, or either of them, His Excellency will exercise his prerogative to prevent such charge, or very serious complications may result.

The tradesmen and workmen are now hourly urging the payment of their claims, now so long overdue.

I have, &c.,  
(Signed) H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

1018.

By ELECTRIC TELEGRAPH.

1st March, 1872.

PRESSING demand received from Secretary for authority to pay Culvert Accounts. See Telegram to Colonial Secretary of yesterday at Telegraph Office. Send your concurrence or otherwise by Telegram this morning.

(Signed) J. M. WILSON.

S. V. KEMP, *Esq.*, *Launceston*.

1019.

By ELECTRIC TELEGRAPH.

*Launceston, 1st March, 1872.*

THE authority asked for ought in my opinion to be paid for out of Revenue and not out of Construction; and I recorded such opinion upon the application which has been returned to me this morning by Mr. Solly for details of the expenditure forming the basis of my opinion,—the preparation of which will take a day or two. The Directors have ample funds to their credit to prevent any riotous conduct of the labourers. I presume the tenor of my Minute has become known to them, hence the alarm which has, I presume, an object.

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

1020.

By ELECTRIC TELEGRAPH.

*Launceston, 9th March, 1872.*

SIR,

I HAD the honor to address you on this day week by telegraph, *re* Cost at Culvert, to which you replied that a reference had been made to the Professional Commissioner. This Officer stated to the Directors last Tuesday that he had sent all the papers forward by Mail on Saturday last, and the Chairman has directed me to express a hope that an answer on the whole question, which he had expected would have been received before this date, will be transmitted prior to the Meeting of the Board on Tuesday.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary*.*The Hon. the Colonial Secretary.*

1021.

*Colonial Treasury, Hobart Town, 11th March, 1872.*

## MEMORANDUM.

THE Colonial Treasurer has the honor to call the attention of the Honorable the Colonial Secretary to the Memorandum from this Department dated 9th December last, which will be found among the correspondence, relating to the Launceston and Western Railway, printed by order of Parliament during the last Session, (see page 246).

The Colonial Secretary will observe that the balance of the proceeds of the last loan for £100,000 in the hands of the Colonial Treasurer, on the 9th December last only amounted to £4238 18s. 3d. Since that date several payments have been made to the Directors and Commissioners of the Launceston and Western Railway, reducing that balance to £2860 14s. 6d. at this date.

The Colonial Treasurer has the honor, therefore, to suggest to the Honorable the Colonial Secretary that, as the available funds in the hands of the Treasury for the purposes of the Launceston and Western Railway are now reduced to £2860 14s. 6d., it would be desirable to receive from the Directors and Commissioners of the Launceston and Western Railway a statement showing the probable amount likely to be required to pay for the several works already authorised by the Governor in Council: and until such a statement is received the Colonial Treasurer would recommend that the approval of the Governor in Council should not be given to any further recommendations of expenditure sent forward by the Directors and Commissioners of the Launceston and Western Railway Company.

THOS. D. CHAPMAN, *Colonial Treasurer*.*The Hon. the Colonial Secretary.*

1022 a.

*Launceston and Western Railway Company, Limited,  
Launceston, 12th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday on the subject of the cost of restoring Culvert at Cameron's; and note your decision that the sum of £605, of the total sum of £650 asked for, shall be borne by the revenue from traffic. The data on which you have arrived at this conclusion, you further say, "is within my reach." These the Commissioners are to supply; when I shall be in a position further to address you on this question—meantime I have the honor to address myself to the paper required to meet the wish of the Colonial Treasurer, expressed in memorandum addressed to you yesterday.

The paper I had the honor to supply to the Commissioners on the 14th February I had thought had been transmitted to the Treasurer, but I understand was only transmitted to your office. That statement showed ample funds in the Treasurer's hands, after providing for the restoration of Cameron's Culvert.

I have the honor now to forward a further paper, in accordance with the memorandum from the Honorable the Colonial Treasurer.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

FORWARDED to the Honorable the Treasurer for his information.

J. M. WILSON.

15th March, 1872.

PERUSED and returned to the Hon. the Colonial Secretary.

THOS. D. CHAPMAN,

*Treasury, 30th May, 1872.*

LAUNCESTON AND WESTERN RAILWAY.

STATEMENT of known Requirements, March 12th, 1872.

	Items authorised.	Requirements not yet authorised.
	£ s. d.	£ s. d.
Longford extension .....	16 15 0	..
Launceston platform and road.....	50 0 0	..
Launceston carriage shed .....	11 16 6	..
Deloraine ditto .....	70 17 11	..
Commissioners .....	..	95 16 8
Weston's claim .....	..	240 0 0
Church of England.....	..	155 0 0
Probable costs .....	..	60 0 0
Contractor's interest .....	..	20 0 0
Setting up tools .....	..	128 0 0
Tools for maintenance .....	59 0 0	..
Cameron's culvert, in suspense.....	..	700 0 0
	£208 9 5	£1398 16 8
	Gross .. ..	£1607 6 1

E. & O. E.,

(Signed) R. W. LORD, *Accountant.*

LAUNCESTON AND WESTERN RAILWAY.

*FINANCE Statement to February 14th, 1872.*

	£	s.	d.	£	s.	d.
Amount in Colonial Treasurer's hands .....	..			3686	11	4
Less overdrawn at Union Bank .....	..			254	3	2
				<u>£3432</u>	8	2
Engineers' Fees.....	150	0	0			
Longford extension .....	111	0	0			
Ramps on line .....	100	0	0			
Launceston outside platform.....	146	0	0			
Ditto carriage shed .....	200	0	0			
Deloraine ditto .....	131	0	0			
Commissioners .....	300	0	0			
Weston's claim .....	240	0	0			
Church of England .....	175	0	0			
Probable costs .....	60	0	0			
Contractors' interest .....	20	0	0			
Culvert .....	730	0	0			
Turntables .....	70	0	0			
Tools for maintenance .....	69	0	0			
Setting up tools.....	128	0	0			
				<u>£2630</u>	0	0
				<u>£802</u>	8	2

E. & O. E.,

(Signed) R. W. LORD, *Accountant.*

1022.

*Colonial Secretary's Office, 11th March, 1872.*

SIR,

WITH reference to previous communications on the subject of the application by the Board for authority to expend an additional amount, to the extent of £650, for repairs to Cameron's Culvert, beyond the sum of £850 already sanctioned by the Governor in Council, I have now the honor to inform you that I have had under consideration the Report of the Commissioners on this matter; and it appears to me that the balance of amount payable out of the funds at the disposal of the Government is £45. The residue of the cost included in your application is essentially chargeable to maintenance; and it seems to me that it would be diverting the funds under the control of the Governor in Council from their proper application should a further amount beyond that last named be charged to construction.

The data upon which I have arrived at this view of the question are, doubtless, within your reach; and my deductions will, I doubt not, be borne out by your reconsideration of the question.

But, apart from the subject more immediately under consideration, I have to direct particular attention to the limited balance of funds for the Railway construction remaining unexpended in the Treasury, viz., £2860 14s. 6d.; and I transmit herewith, for the information of the Directors, a memorandum of this day's date, addressed to me by the Honorable the Treasurer, bearing on the matter, and in which I concur. I have therefore to request that you will, without delay, furnish me with the statement referred to in its concluding paragraph.

H. DOWLING, *Esq.*, Secretary.

I have &amp;c.,

(Signed) J. M. WILSON.

1023.

*Launceston and Western Railway Company, Limited,  
Launceston, 13th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 11th March in reply to my several communications having reference to payment of the cost of making good the culvert at Cameron's, which letter I submitted to the Directors at their weekly meeting yesterday.

I am instructed to express the regret of the Directors that you appear to have adopted the views suggested by Mr. Kemp, and consider that the sum of £650 applied for ought to be borne by the revenue.

The data you mention as within the reach of the Directors, upon which you based this opinion, I presume refers to Mr. Kemp's remarks upon the application. These remarks were read to the Board by Mr. Kemp, after the reading of your letter, at Tuesday's meeting; and this was the first occasion on which they had come under the notice of the Directory; and they are not considered by them to warrant the conclusions you deduce.

It is especially noticeable, and completely upsets the basis of Mr. Kemp's present recommendation, that the moneys applied for in the first instance, namely £850, after receiving the concurrence of the Governor in Council on the recommendation of all three Commissioners, have been applied to the repairing of the damage done within the culvert,—the sum now asked for, namely, £650, being less by £245 than Mr. Kemp's estimate for the new work,—which he admits is chargeable to construction funds. But the distinction is altogether a second thought of Mr. Kemp's, as will be seen on reference to his letter of 3rd November, 1871, (p. 134, Parl. Paper), where he says:—"The whole sum required to make the culvert good again to its former state will not, I estimate, exceed £600; and the further additions necessary to prevent a recurrence, I further estimate, will not exceed £400."

This was written on the 1st November; and, on the 9th December following, Mr. Kemp recommended the concurrence of the Governor in the estimate of the Engineers, namely £850, (protesting only against their fees), without making any distinction as to the application of the amount.

The Report of the Engineers of the 29th January was as follows:—"The additional cost has chiefly arisen in the retaining wall, which, after opening up the ground, we considered it necessary to put in much stronger than we originally proposed."

It is alleged by the Engineers that the collapse of this culvert is attributable to defective design, in view of the well-known landslip at this place; but, any way, the restoration of it is not within the recognised meaning of the terms "maintenance" or "repairs." It is unprecedented in Railway practice that works of construction, which this essentially is, should be charged against earnings,—unless, indeed, in special cases where capital has been borrowed for the purpose on the

security of *future* revenue,—in which cases repayment is made to run over a series of years. To charge the collapse of a principal work, and that a new work, against any one year's revenue has only to be suggested to show its absurdity. The most successful of old established Railways could not stand such a pressure; and it has never before been attempted.

In reference to the memorandum from the Honorable the Colonial Treasurer, dated the 11th instant, and enclosed to me in yours of the same date, I have already forwarded you a statement showing the known requirements outstanding against the Treasurer's balance of £2860,—showing that, even after the expenditure for the culvert, he will retain a net sum of £1253.

With regard to your remark as to the sum in the hands of the Treasurer, I may just observe that the Directors are aware the balance is not large; but they must always have anticipated that the funds in the Colonial Treasurer's hands from the proceeds of Debentures would one day be wholly exhausted.

I am desired to point out that the Government will be placed in a difficult and invidious position should the Directors find themselves compelled to stop the running of the trains for want of funds to pay the ordinary working expenses, because they have been obliged to make use of the current reserve to pay for work absolutely necessary to ensure the safety of the Line.

The Contractors have finished their work and maintenance, and been paid all they are justly entitled to be paid. The Engineers have also completed their contract, and have left; and the Directors feel not only justified, but called upon to ask that the balance remaining in the hands of the Colonial Treasurer may be applied in the manner intended,—viz., to the purposes of the Railway. The Company can hardly be expected to be held liable for interest whilst a portion of the principal money is withheld; and particularly if, by reason of this, the traffic be brought to a stand.

I take the liberty of forwarding a list of payments which the Directors, by reason of disallowance on the part of the Commissioners and the Government, have had to pay up to this date, or will have to pay, out of revenue, the greater portion of which should have been paid out of capital: some part, perhaps, would be chargeable to capital only in the first instance, subject to being afterwards charged to revenue.

The Directors have endeavoured to work the Line with economy, and to keep it in good running order. They have been able to pay their way during the first year, notwithstanding numerous difficulties inseparable from the first commencement of a work of this character; and, although the cost of maintenance will necessitate increased expenditure in future, they hope that, with the increased facilities they have now to offer, they will secure such additional traffic as will enable them to carry on without loss, and ultimately to realise a profit.

The Board has just approved of arrangements to provide for the vacant office of Traffic Manager, &c., caused by the resignation of Mr. Jetter, by which a saving of £364 per annum will be effected; and I am also desired to inform you, that I have intimated to the Board that I relinquish £100 a year of my salary from the present date; but it would paralyse the efforts of the Board if they find all their attempts to economise, and their desire to do their duty to the Shareholders and the Government, are liable to be frustrated, by being forced to make payments from revenue which are not fairly chargeable against it.

The delay which has frequently occurred in the payment of accounts, and more particularly in those for materials in restoring the culvert, have created so much distrust that, if such a state of things continues, it will soon be impossible for the Directors to obtain stores except for cash payments; and the Directors, feeling that they have not the confidence of the Government, and that they may possibly be involved in difficulties, from the uncertainty as to the course of action the Government may at any time unexpectedly determine to adopt, will be careful not to enter into any arrangements for the supply of stores, but will procure them from time to time when actually wanted,—a course which must add materially to the cost; and in the case of coals and other similar absolute necessities might, in the event of a short supply in town, jeopardise the running of the trains.

In conclusion, I beg again respectfully to urge upon your attention the application for £650 for completion of works at Cameron's Culvert, with a view to His Excellency's concurrence being obtained for the expenditure, on the ground which I believe you will recognise to be made out, that the sum of £1495, actual cost of the culvert, is due for works strictly within the intention of the concurrence of the Governor when the estimate of the Engineers was £850, and the estimate of Mr. Kemp £1000; and as you are aware this matter is very pressing, the Directors having no funds available for the payments of the demands daily being made on this account, I have respectfully to beg your earliest attention.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*



*STATEMENT of Amounts charged and proposed to be charged against Revenue.*

	£	s.	d.
<b>1871.</b>			
March 14. Amount paid construction account from revenue to clear items of expenditure incurred prior to opening, and of which revenue had no benefit - - -	141	8	5
July 24. Refunded construction account towards payment of stores bought prior to opening the Line, and really forming necessary equipment - - -	242	0	0
<b>1872.</b>			
Jan. 26. Payment for locomotive duplicates, springs, &c., not any of which have yet been used by the Company - - - - -	955	19	3
Amount required to pay accounts due for materials and wages in repairing culvert at Cameron's - - - - -	700	0	0
	<u>£2039</u>	<u>7</u>	<u>8</u>

A total of Two thousand Pounds, proposed to be taken out of the earnings of the first 15 months of the running of the trains upon the Line.

*STATEMENT of known Requirements, 12th March, 1872.*

	Authorised.	Requirements.
	£ s. d.	£ s. d.
Longford extension (now for compensation, Hardwicke) - - - - -	—	16 15 0
Launceston platform and roads - - - - -	50 0 0	
Ditto carriage shed - - - - -	11 16 6	
Deloraine ditto - - - - -	70 17 11	
Commissioners, to March 31 - - - - -	—	95 16 8
Weston's claim for land - - - - -	—	240 0 0
Church of England ditto - - - - -	—	155 0 0
Probable law costs ditto - - - - -	—	60 0 0
Contractors' interest - - - - -	—	20 0 0
Setting up tools - - - - -	—	128 0 0
Tools for maintenance - - - - -	59 0 0	
Culvert at Cameron's - - - - -	—	700 0 0
	<u>£191 14 5</u>	<u>£1415 11 8</u>
Gross - - - - -	£1607 6 1	
Cr. Treasurer's Balance - - - - -	£ 2860 14 6	
	<u>1607 6 1</u>	
Net - - - - -	<u>£1253 8 5</u>	

**1024.****MEMO.**

I HAVE postponed my certificate to the application of the Directory until Mr. Kemp's objections were set forth in detail; and having at length had these referred to me with the various representations of the Company's Secretary, I am of opinion that it would be inexpedient to withhold the assent of the Governor in Council to the application.

The responsibility for the defects of the *present* plan at Cameron's Culvert is repudiated by Messrs. Doyne and Company and thrown upon Messrs. Kemp and Francis, whose plan was adopted; and whatever the comparative merits of the respective plans may have been, Doyne and Company reasonably enough claim forbearance for any mistakes in their estimate of the cost of repairing a work which they did not design.

As to the distinction on which so much stress is laid between what falls under the definitions "repairs" and "construction," it is impracticable to observe it with strict accuracy in practice.

The practical question appears to me to be this: What advantage will be derived by forcing the Company to pay for this work from revenue? The effect will be that "maintenance" will be postponed, and thus a future and aggravated expense be thrown on the Government, for "maintenance" outlay will be heavier in the autumn and winter months than at present.

I would, however, advise that before complying with the application of the Company it should be fully understood that the Company was efficiently carrying out maintenance, and would do so.

F. M. INNES.  
19 March, '72.

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### 1025.

*Colonial Secretary's Office, 21st March, 1872.*

SIR,

THE question of the claim preferred by the Directors of the Launceston and Western Railway Company for authority by the Governor in Council to appropriate out of the funds under the control of the Executive Government the sum of £650 for recent repairs to Cameron's Culvert, has again been brought under my consideration.

But before I shall be in a position to finally determine the reasonableness or otherwise of the claim made, I have to request that you will furnish me with a Report without delay on the means adopted by the Company for the maintenance of the Railway in proper working order, and also the probable cost of maintenance for the current year.

S. V. KEMP, Esq., Launceston.

I have, &c.,  
(Signed) J. M. WILSON.

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### 1026.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 26th March, 1872.*

SIR,

IN compliance with the request contained in your communication of the 21st instant, that I should furnish you with a report on the means adopted by the Launceston and Western Railway Company for the maintenance of the Line of Railway in proper working order, and also the probable cost of maintenance for the current year, I have the honor to advise as follows:—

At present there are 45 men employed in the maintenance of the Line, divided into nine gangs, and the whole is supervised by Mr. Tidey, who is in receipt of £250 per annum, and who invariably travels from one end of the Line to the other, and walks over a portion of it daily.

The repairers are paid at the rate of 5s., and the working gangers 8s. per diem: the total cost of maintenance being at the rate of £13 10s. per day, as per annexed statement.

The Line is now in fair running order, and is serviceably maintained by the present staff.

In addition to the above Mr. Tidey has an engine and six trucks and 30 men employed in clearing out the side drains of the cuttings, which have in many places become choked up from the crumbling down of the earth from off the slopes, owing to their being imperfectly flattened. He is also raising and widening several of the embankments, which have shrunk and subsided during the present dry season, putting additional ballast on to the Line, raising the level of the rails, and dressing off the slopes of several of the cuttings where they have shown any indications of slipping. These works are being paid for out of revenue moneys at a cost of £50 per week, and it is estimated to take at least four weeks more at the present rate of working. Should any portion of these required works be suspended or allowed to stand over till the wet weather sets in, it will be attended with risk to the Line, and considerable increased cost hereafter, the men will get scattered, and will not be easily collected together again.

The cost of maintaining the Line for the remainder of the current year will depend upon the weather and the amount of work done to the slopes and embankments during the present season.

The greater part of the slopes of the cuttings for the first 17 miles out of Launceston are still too steep, and the earth is constantly slipping and crumbling down, which is a source of considerable annoyance and expense.

To make these slopes perfect and to remedy the defects, it will be necessary at no distant date to remove about twenty-one thousand cubic yards of earth out of the cuttings from off the slopes, which will cost about sixteen hundred pounds (£1600): this should be covered out of capital or construction money.

The slopes of cuttings Nos. 35, 37, 38, 40, and 42 are constantly slipping; and it is almost impossible for any one to say with any degree of certainty what amount these cuttings will cost to maintain during the remaining nine months of the current year: much will again depend upon the weather, constant watching, and the remedies adopted to lighten the recurring expenses. If treated properly now, they will not cost very much next year. Cutting No. 35 requires a large quantity of material removed out of it, which is included in the above sum of £1600, and a long retaining wall built of loose stones, which will not cost less than £75.

Cuttings 37, 38, 40, and 42 may or may not require several hundred pounds expended upon them in addition to what I have already provided for in my estimate. I cannot state with certainty.

Had the whole of the slopes of the cuttings been properly flattened as the works proceeded the ultimate cost would have been considerably lessened; but the "experimental" having been tried, this is the result.

At the present time there is employed upon the Line in its maintenance one repairer to the mile; but so soon as the wet weather sets in a repairer and a half will be required on the like distance, and if we have a very wet winter two repairers to the mile will be required. Next year I estimate the cost of maintenance will be considerably lessened.

As it may assist you in your determinations, I have prepared and annexed hereto a detailed estimate of the cost of the present maintenance and the cost of maintaining the Line for the remainder of the current year, which amounts to £3406 10s.: this amount is subject to reduction if the suggestions made below are carried out. This estimate is based on the presumption that the season will be an average one, that it will not be severe. This estimate does not include the extras required for cuttings and other works which I have mentioned as being necessary.

If the public would be satisfied,—and I submit that the requirements of the districts would be fairly met by two trains per day each way between Launceston and Deloraine instead of the three trains now running,—if this arrangement could be carried out,—at least during the winter months,—it would effect a saving of one-third in the cost of maintaining the Line during such period.

The sidings at nearly all the intermediate stations are not economically constructed for working the traffic, and require about £450 more expended upon them to make them perfect. This amount should likewise be defrayed out of construction funds.

At the Launceston Station about £250 is required to be expended upon additional outside platforms and approach roads. These should be attended to immediately, and should be covered by construction money.

I have, &c.,  
(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

*STATEMENT showing the present and probable Cost of maintaining the Line from the 1st April to the 31st December, 1872.*

	£	s.	d.
The number and description of men at present employed in keeping the Line in repair is as follows:—			
36 Repairers (not paid on wet days) at 5s.	-	-	9 0 0
9 Working Gangers (paid wet or dry) at 8s.	-	-	3 12 0
Mr. Tidey, the Superintendent, ditto, at 16s.	-	-	0 16 0
Repairs of Tools, say	-	-	0 2 0
Cost per day in Summer	-	-	£13 10 0
During the Winter months the cost will be:—			£ s. d.
59 Repairers (not paid on wet days) at 5s.	-	-	14 15 0
9 Working Gangers (paid wet or dry) at 8s.	-	-	3 12 0
Mr. Tidey, the Superintendent, ditto, at 16s.	-	-	0 16 0
Repairing tools, say	-	-	0 2 0
Cost per day in Winter	-	-	£19 5 0

*ESTIMATED Cost of maintaining the Line from the 1st of April next to the 31st December, 1872.*

April	-	.	-	-	24	working days.	£	s.	d.	£	s.	d.
May	-	-	-	-	26	ditto						
June	-	-	-	-	25	ditto						
75 days at £13 10s. per day							-			1012	10	0
Less probable number of wet days, say 6 at £9							-			54	0	0
											958	10 0
July	-	-	-	-	27	working days.						
August	-	-	-	-	27	ditto						
September	-	-	-	-	25	ditto						
October	-	-	-	-	27	ditto						
106 days at £19 5s.							-			2040	10	0
Less probable number of wet days, say 16 at £14 15s.							-			236	0	0
											1804	10 0
November	-	-	-	-	26	working days.						
December	-	-	-	-	25	ditto						
51 days at £13 10s.							-			688	10	0
Less probable number of wet days, say 5 at £9							-			45	0	0
											643	10 0
TOTAL							-				£3406	10 0

SAML. V. KEMP.

## 1027.

*Launceston and Western Railway Company, Limited,  
Launceston, 26th March, 1872.*

SIR,

At the meeting of the Board of Directors to-day, the question of payment out of revenue of the expenditure *re* Cameron's Culvert, again engaged the serious attention of the gentlemen present; and I am instructed to beg that you will not any longer delay replying to the letters of the 11th of February and the 13th instant.

I have the honor, therefore, to convey to you this request of the Directors, that they may at once be informed of the decision of His Excellency the Governor.

I am not aware that I can add anything to the letter authorised by the Directors on the 13th instant, which seems to me to exhaust the explanation they have to offer; excepting that I may add to that communication a repetition of the fact that revenue *cannot* pay the outstanding accounts for the culvert in question, and at the same time disburse the fortnightly pay-sheets for ordinary and extraordinary works of "maintenance;" and that to suspend the latter works until winter would be largely to increase the cost.

It was proposed to-day that the men should be suspended on Saturday next, for a few weeks; but the majority of the Directors preferred awaiting the result of a further communication.

I have the honor, therefore, respectfully to beg that a reply may be at once given, that in event of this being adverse to the request of the Directors, I may convene an extraordinary meeting of these gentlemen to obtain their further instructions.

The Directors present to-day were Messrs. Green, W. S. Button, J. Robertson, Wm. Tyson, A. Webster, C. J. Weedon, S. V. Kemp.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

## 1028.

*Colonial Secretary's Office, 27th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday's date, requesting a reply to your communications of 11th ultimo and 13th instant with reference to certain charges for repairs, &c. to Cameron's Culvert.

In reply, I have to acquaint you that delay was necessary to enable me to obtain a report from the Professional Commissioner on the means adopted by the Company for maintaining the Line of Railway in proper working order.

Mr. Kemp has this day furnished the information required, and I am glad to be in a position to state that the report is satisfactory.

I have also obtained from Mr. Commissioner Innes, since I last addressed you on the question under consideration, his opinion on the claim made, namely, that the repairs, &c. to Cameron's Culvert should be charged to construction funds; and I have reconsidered the case, aided by the additional information supplied.

The Government have carefully to consult the interests of the public in the disposal of the funds placed under its control by Parliament, and to keep in view the small balance of money now available for the completion of the Railway.

In viewing the claim, resubmitted with additional information bearing on its merits, I am now enabled to determine that it falls within the spirit of the Railway Acts; and I will therefore be prepared to submit to the Governor in Council that the cost of repairs, &c. to the culvert shall be approved.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary*.

## 1029.

*Colonial Secretary's Office, 28th March, 1872.*

SIR,

I HAVE the honor to acquaint you that, on the application of the Launceston and Western Railway Company, and with the concurrence of the Commissioners, the Governor in Council has been pleased to approve of the expenditure of the sum of £650 in the repairs and completion of Cameron's Culvert, in addition to the sum of £850 already authorised.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary*.

## 1030.

*Launceston and Western Railway Company, Limited,  
Launceston, 2nd April, 1872.*

SIR,

THE second paragraph in your letter of the 26th March, *re* Culvert at Cameron's, intimates that you had deemed it necessary "to obtain a Report from the Professional Commissioner on the means adopted by the Company for maintaining the Line;" and as I have had a paper prepared in which the expenditure under this head is given, and which I have this day submitted to the Directors, it appears to me desirable that you should be furnished with a copy, which I have now the honor to enclose.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary*.*The Hon. the Colonial Secretary.*

## LAUNCESTON AND WESTERN RAILWAY.

*STATEMENT showing Cost of Maintenance from its commencement; namely, 1st November, 1871, to 16th March, 1872.*

	WAGES.						TOTAL.
	Ordinary.			Extra, repairing Banks.			
1871.	£	s.	d.	£	s.	d.	£ s. d.
4 days ending November 4.....	41	16	4	—	—	—	41 16 4
Fortnight ending November 18 .....	140	2	6	—	—	—	140 2 6
Ditto December 2 .....	153	2	6	—	—	—	153 2 6
Ditto December 16 .....	182	3	3	16	13	3	198 16 6
Ditto December 30 .....	155	12	4	13	7	9	169 0 1
1872.	£	s.	d.	£	s.	d.	£ s. d.
Fortnight ending January 13 .....	165	1	4	13	7	5	178 8 9
Ditto January 27 .....	161	18	3	—	—	—	161 18 3
Ditto February 10 .....	163	10	3	—	—	—	163 10 3
Ditto February 24 .....	162	1	3	23	9	2	185 10 5
Ditto March 9 .....	160	19	9	65	16	0	226 15 9
Stores, &c. ....	—	—	—	—	—	—	141 11 9
Engine power .....	—	—	—	—	—	—	149 0 11
	£1486	7	9	132	13	7	1909 14 0

Certified,

R. W. LORD, *Accountant.*

## LAUNCESTON AND WESTERN RAILWAY.

## EXPENDITURE.

DATE.	Loco. Power.	Coupling and Traffic Charges.	Station Repair.	Police Gates Pointsmen.	Maintenance of Way.	Compensation.	General Charges.	Law Charges.	Mail Delivery.	Total Expenditure.
1871.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
February 28...	169 6 2	228 9 3	—	22 7 4	—	—	129 0 4	46 12 0	—	595 15 1
March 31.....	485 11 6	441 1 10	—	24 9 0	—	—	107 13 7	—	—	1118 15 11
April 30.....	553 1 9	559 0 9	—	24 8 0	—	—	173 16 10	—	—	1310 7 4
May 31.....	326 1 7	424 15 2	8 18 3	27 6 3	—	—	179 8 2	—	—	966 9 5
June 30.....	446 7 10	404 19 10	8 5 8	28 0 2	—	—	164 11 10	—	—	1052 5 4
July 31.....	329 18 1	349 12 1	5 10 0	27 17 11	—	—	150 9 10	—	—	863 7 11
August 31.....	366 4 7	360 14 5	21 3 3	27 11 1	19 1 0	—	194 0 6	—	41 16 0	1030 10 10
September 30..	336 8 4	372 14 10	1 2 8	26 18 9	1 2 0	19 9 0	155 18 0	48 8 9	—	962 2 4
October 31.....	340 5 4	334 15 5	3 12 0	26 19 2	1 0 9	—	204 10 4	—	—	911 3 0
November 30..	380 7 2	305 0 11	—	27 2 8	181 18 10	—	158 8 7	—	34 6 0	1087 4 2
December 31..	455 6 3	279 2 10	—	27 1 6	398 4 2	—	153 2 1	—	7 10 0	1320 6 10
1872.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
January 31....	345 0 6	346 3 1	—	26 18 11	408 3 2	7 0 0	154 7 4	—	—	1287 13 0
February 28....	430 3 7	321 15 3	—	27 6 6	333 5 3	—	148 2 8	—	34 6 0	1294 19 3
March 16.....	289 7 2	304 6 4	—	27 0 8	417 17 11	—	147 6 8	—	7 10 0	1193 8 9
	£5253 9 10	5032 12 0	48 11 10	371 7 11	1760 13 1	26 9 0	2280 16 9	95 0 9	125 8 0	14,904 9 2

Certified,

R. W. LORD, *Accountant.*

1031.

Colonial Secretary's Office, 4th April, 1872.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant forwarding a paper of expenditure by the Company, in which the "maintenance of the Line" is set forth, and also a separate statement showing cost of maintenance to the 16th March last. I desire to express my thanks for the information thus communicated.

I have, &amp;c.,

H. DOWLING, *Esq., Secretary.*

(Signed) J. M. WILSON.

\* Of this £5253 9s. 10d., £149 0s. 11d. is for ballasting Engine on account of "Maintenance."

## RETENTION OF SERVICES OF COMMISSIONERS. Nos. 1032 to 1044.

1032.

*Colonial Secretary's Office, 28th March, 1872.*

SIR,

REFERRING to my letter giving you notice of the termination of your appointment as a Commissioner under the Launceston and Western Railway Act, I have now the honor to acquaint you that the Government propose to retain your services in that capacity for four months longer at your present rate of remuneration.

The Government have further decided to charge one moiety of your salary to the Railway Funds, and the other moiety to the General Revenue.

Under these circumstances you will consider yourself liable to be called upon to render the Government such professional assistance as may at any time be required of you, independently of your proper duties as a Railway Commissioner.

I have, &amp;c.,

(Signed) J. M. WILSON.

S. V. KEMP, *Esq., Launceston.*

1033.

*Colonial Secretary's Office, 28th March, 1872.*

SIR,

REFERRING to my former communication, in which I gave you notice that the Governor would not require the services of the Launceston and Western Railway Commissioners after the 31st of this month, I have now the honor to acquaint you that the Government, having had under their consideration the arrangements which will be necessary for complying with the requirements of the law while the Launceston and Western Railway Company, Limited, continues liable to the Colony for the interest due upon the Company's "Bonds," are desirous to retain your services for a period of four months.

2. The funds at the disposal of the Government for this purpose are now so far diminished as to render it necessary to reduce from the 30th proximo the emoluments hitherto attached to the office of a Railway Commissioner; and the Government propose to remunerate the non-professional Commissioners thereafter at the rate of one pound and one shilling for every meeting of Directors attended.

3. I should be glad to know whether you are willing to retain your position as a Railway Commissioner on these terms, for the period indicated above?

4. I take this opportunity of expressing to you, on the part of the Government, my sense of the valuable assistance you have rendered as a Railway Commissioner, and of the great advantage which has accrued to the public service from the fact of your residence at the seat of government, and your readiness at all times to afford the Government the benefit of your judgment and advice in connection with the complicated transactions arising out of the construction of the Launceston and Western Railway.

5. I need scarcely add that the Government are fully sensible that your performance of your duties as a Railway Commissioner has been marked with the ability and integrity that have characterised your discharge of the various responsible offices you have filled from time to time in the public service of the Colony.

I have, &amp;c.,

(Signed) J. M. WILSON

*The Hon. F. M. INNES, Newlands.*

1034.

*Colonial Secretary's Office, 28th March, 1872.*

SIR,

REFERRING to my former communication, in which I gave you notice that the Governor would not require the services of the Launceston and Western Railway Commissioners after the 31st of this month, I have now the honor to acquaint you that the Government, having had under their consideration the arrangements which will be necessary for complying with the requirements of the law while the Launceston and Western Railway Company, Limited, continues liable to the Colony for the interest due upon the Company's Bonds, are desirous to retain your services for a period of four months;

2. The funds at the disposal of the Government for this purpose are now so far diminished as to render it necessary to reduce from the 30th proximo the emoluments hitherto attached to the office of a Railway Commissioner; and the Government propose to remunerate the non-professional Commissioners thereafter at the rate of one pound and one shilling for every meeting of Directors attended.

3. I should be glad to know whether you are willing to retain your position as a Railway Commissioner on these terms, for the period indicated above.

4. I take this opportunity of thanking you, on the part of the Government, for the assiduity and integrity which have marked your discharge of the onerous and delicate duties devolving upon you as a Commissioner under the Launceston and Western Railway Act.

THEODORE B. BARTLEY, *Esq.*, *Launceston*.

I have, &c.,

(Signed) J. M. WILSON.

## 1035.

*Colonial Secretary's Office, 2nd April, 1872.*

SIR,

THE Government have had again under their consideration the necessity for complying with the requirements of the law in the matter of the retention of Railway Commissioners so long as your Company is liable to the Colony for the interest upon its Bonds, together with your application for a reduction of the expense incidental to the employment of these officers.

I have now the honor to acquaint you that the Government have determined that, after the 31<sup>st</sup> instant, the non-professional Commissioners shall be remunerated by a fee of one pound one shilling for every meeting of Directors attended, and that the Professional Commissioner shall be paid at the rate of one-half his present salary from Railway funds.

I have, &c.,

H. DOWLING, *Esq.*, *Secretary*.

(Signed) J. M. WILSON.

## 1036.

*Newlands, 3rd April, 1872.*

SIR,

YOUR communication of the 28th ultimo only reached me this morning.

Having myself advised you some time since that the services of the Commissioners of the Launceston and Western Railway had become so reduced as not to warrant their continuance on the scale of remuneration heretofore allowed, I fully acquiesce, in so far as I am individually concerned, in the decision of the Government as now communicated to me; and I beg to return thanks for the flattering terms in which you have acknowledged my past services.

I may be permitted to say that I have earnestly endeavoured to reconcile with my duty to the Government the promotion of a good understanding between the Government and the Directory, being satisfied that without it present and impending difficulties in respect to the Launceston and Western Railway must be incalculably aggravated.

As regards temporary arrangements, recognising that it will be probably convenient that I should continue to act as a Commissioner instead of a new appointment being made, I shall cheerfully act, but decline any recompence for my future services.

And, if allowed to advise, I would recommend that the amount contemplated to be divided between Mr. Bartley and myself should be wholly paid to Mr. Bartley, and as a fixed salary, not allowances for attendance at Board Meetings. It is quite a mistake to imagine that the principal demands upon the time and attention of a Commissioner arise at these meetings.

I have, &c.,

(Signed) FRED. M. INNES,

*The Hon. the Colonial Secretary.*



1037.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 6th April, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your favor of the 28th ult., advising me that the Government purpose continuing my services as a Commissioner of the Launceston and Western Railway for a period of four months.

I have to thank you for the expressions contained in such communication, since it assures me that I have your confidence.

I have only to add that as far as in my power it will be my duty to make my services available to the Government at all times, and that to the best of my ability.

The delay in not replying to your communication before arose from my being engaged upon the Mersey and Deloraine Tramway, and only arriving in Launceston this afternoon, when I received your letter.

I have, &amp;c.,

(Signed)

SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

1038.

*Launceston, 8th April, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 28th ultimo, informing me "that the Government, having had under their consideration the arrangement which will be necessary for complying with the requirements of the law while the Launceston and Western Railway Company, Limited, continues liable to the Colony for the interest due upon the Company's Bonds, are desirous to retain my services as a Commissioner for the limited period of four months; and that the Government propose to remunerate the non-professional Commissioners, after the 30th instant, at the rate of one pound one shilling for every meeting of Directors attended."

Influenced by a due regard to the very limited amount of funds remaining at the disposal of the Company and Commissioners, the present straitened position of the Company's finances, and the very serious responsibilities now devolving upon the Railway District, the Government, and, I may say, the whole Colony, in connection with the Launceston and Western Railway, I should cheerfully continue to act as one of the Commissioners for the period, and at the small remuneration indicated by you, provided the other Commissioners received the same; but having ascertained that the Government propose to reappoint the late Professional Commissioner at a salary of more than seven times that amount, I decline to become in any way a consenting party to the proposed arrangement, and request that I may be relieved of the duties devolving upon me as one of the Commissioners so soon as the Government can arrange to do so.

I cannot but express my extreme surprise that the Government, under the very straitened, not to say embarrassed, position of the Railway finances, should have appointed the late Professional Commissioner at such a very high rate of remuneration, more especially after the receipt of the various official communications to the Government from my non-professional colleague Mr. Innes, and myself, referring to the Professional Commissioner's performance, or rather non-performance of his duties, more particularly those of date 12th December, 1870, No. 704, printed correspondence, under the heading "Responsibility of Professional Commissioner;" 26th December, 1870, No. 786, printed correspondence, having reference to "Statement of Mr. Kemp as to the giving way of Cameron's Culvert;" and 15th Sept. 1871, No. 729, printed correspondence, referring to Mr. Kemp's allegation that Mr. Innes and myself had, notwithstanding his (Mr. Kemp's) precautions, united with the Directors in an over-payment to the Contractors of the sum of £4148 for ballast not put upon the Line.

In our said communication, of date 12th December, 1870, I distinctly stated that Mr. Kemp, by unreservedly endorsing the very insufficient estimates of the Company's Engineers for the construction of the Railway,—more particularly that for the slopes of the cuttings throughout the Line, which eventually involved an additional expenditure of £20,000, induced Mr. Innes and myself to unite with him in reporting to the Government that the Line could be opened for traffic for £350,000, and that Mr. Kemp therefore is responsible for the consent of the Government having been given upon such report for the commencement of the Railway.

"That, in my opinion, Mr. Kemp had altogether mistaken the duties which devolved upon him as the Professional Commissioner, and has consequently ignored them."

That, whilst he exerted "a dictatorial and vexatious interference with unimportant minor details of expenditure, he has utterly ignored the most important professional questions, necessarily involving a large extra expenditure." And we instanced that he had, without any question, allowed the Culverts at Cameron's and Verulam to be constructed of mortar made of *common*, instead of *hydraulic* lime, as specified by the conditions of the contract,—a substitution which, there is every reason for believing; led to the destruction of such culverts by the floods,—the restoration having now occasioned an additional expenditure of £8000.

These statements were unreservedly endorsed by Mr. Innes, in his memorandum attached to such communication, of 12th December, 1870, when forwarding it to the Government.

In our said communication of 26th Dec., 1870, having reference to the giving way of Cameron's Culvert, we distinctly affirmed, and (I submit) clearly proved, that upon Mr. Kemp's own allegation, so persistently adhered to by him, "that he was aware that the culvert had given way before the embankment was formed upon it," he was, and I allege now is, clearly responsible for the large expenditure of £6500 involved by the destruction and subsequent restoration of the culvert. Mr. Kemp's assertion that, "on Tuesday, 4th May, 1870, at a weekly Board Meeting of the Directory, he distinctly stated that the culvert at Cameron's would not stand," we also clearly proved to be altogether incorrect, as acknowledged by you in your reply to our said communication, No. 787, printed correspondence, in which you state that the evidence I had adduced to disprove such assertion of Mr. Kemp was "irresistible."

In our said communication of 15th September, 1871, repudiating Mr. Kemp's allegation that Mr. Innes and myself, from neglecting to attend to his so-called precautions, had united with the Directory in making an over-payment to the Contractors of £4148 for ballast not put upon the Line, we "unhesitatingly asserted that, if such over-payment had been made, on which we offer no opinion, it had been so made because Mr. Kemp, according to his own Report, had altogether neglected an important duty he had represented to be indispensably necessary upon his part, and had distinctly undertaken to the Government, to the Company, and to us his colleagues, to perform. Mr. Kemp therefore, and Mr. Kemp alone, is, and must be, held responsible for any such over-payment, from any responsibility for which we claim to be altogether absolved."

In the last paragraph of our said communication of the 15th September last, we called upon the Government to appoint a Commission of Enquiry to determine upon the questions at issue between ourselves and Mr. Kemp. I furnish a copy of such paragraph.

"43. This imputation (the alleged over-payment by us for ballast), so officially made by the Professional Commissioner, is of so serious a character that it directly affects our official and personal reputation; and we beg to remind you that another question of somewhat similar character, and of equal importance, respecting the destruction of the culvert at No. 38 cutting, which involved a loss to the Company of £5000, is still at issue between ourselves and Mr. Kemp, as clearly shown in our communication to you of 26th December last."

"Upon both these important questions we feel that we have no alternative but distinctly to charge Mr. Kemp, and that upon evidence furnished by his own statements and Reports referring to such questions now before the Government, with neglecting to perform the important duties respectively demanded at his hands in both the instances referred to, and with imputing to us, his Co-commissioners, the result of such neglect. We therefore respectfully, but distinctly, call upon the Government to appoint a Commission of Enquiry, who may be empowered to determine upon the correctness or otherwise of the charges we have now made against Mr. Kemp, and also of the respective imputations he has made against us upon the important questions we have referred to."

To this request, so distinctly made by Mr. Innes and myself, for a Commission of Enquiry, you replied in your letter of 25th November, 1871:—"With regard to the appointment of a Commission of Enquiry into various charges preferred by you against Mr. Kemp, and also the correctness or otherwise of that gentleman's imputations against you, the Government cannot, in view of the early cessation of your respective duties as Commissioners of the Launceston and Western Railway, concur in the desirability of reopening a discussion tending to enhance the difficulties which surround the settlement of the various important questions connected with the final adjustment of the relations between the Government and the Company."

The Government having thus declined to accede to the request for a Commission of Enquiry, I at once determined to apply to the Parliament to appoint such a Commission during the next Session, considering it due to myself, holding as I do my office of a Commissioner under the authority of Parliament, contained in the Launceston and Western Railway Act, to endeavour to clear myself of the serious imputations made by Mr. Kemp against me, as respects the due performance of the duties entrusted to me, and also establish the correctness of the charges made by Mr. Innes and myself against Mr. Kemp, in our communication referred to. Such a course it is my intention to adopt.

In your letter of the 8th of November last, a counterpart of which was forwarded to Mr. Innes, No. 812, printed correspondence, "preparing me for the contingency of my services as a Commissioner not being required beyond the date fixed for terminating those of my professional colleague," you stated that, "feeling the time has arrived at which the professional services of Mr. Kemp have ceased to be necessary in connection with the Launceston and Western Railway, I have intimated to him by post this day that his present relation to the Government and the Company must terminate on the 31st March next."

This your intimation to Mr. Kemp of 8th November last, No. 811, printed correspondence, informs him "that his professional services will not be required after the 31st March," and "that it would not be consistent with the duty of the Government to retain professional assistance beyond that period."

In your letter of 11th November last, No. 815, printed correspondence, in reply to the memorial of the shareholders of the Launceston and Western Railway, praying for a reduction in the number and remuneration of the Commissioners, you informed the memorialists that you had "already intimated to the Commissioners that their services will not be required after the 31st March."

The next information I obtain as to "the relation of Mr. Kemp to the Government and the Company," after these intimations that in November last "Mr. Kemp's professional services in connection with the Launceston and Western Railway had ceased to be necessary,"—"would not be required after 31st March last,"—and "that it would not be consistent with the duty of the Government to retain professional assistance beyond that period,"—is, that the Government have thought fit to retain Mr. Kemp as one of the Commissioners at the full salary of £750 per annum for the current month of April, and afterwards at the salary of £375 per annum,—more than seven times the amount of remuneration offered to Mr. Innes and myself.

Such retention of Mr. Kemp, and at such a high rate of remuneration, virtually amounts to a contemptuous ignoring by the Government, without any investigation, of the numerous representations made by Mr. Innes and myself as to the vexatious and obstructive course pursued by Mr. Kemp as the Professional Commissioner, of the grave charges made against him with respect to Cameron's Culvert, and the alleged over-payment for ballast in our communication referred to, and our distinct request for a Commission of Enquiry into such our charges against him, and his serious imputations against us.

A due regard to my own personal and official reputation, and to the trusts committed to me by the Parliament as one of the Commissioners of the Launceston and Western Railway, not only precludes my becoming in any way a party to such, as it appears to me, unjustifiable procedure, but induces me now to record my protest against it.

Such a procedure cannot but excite extreme surprise and disapprobation on the part of the Company and the ratepayers of the Railway District, more especially after the distinct and published assurances of the Government before quoted: and influenced by a sense of the duty entrusted to me by the Parliament, as one of the Commissioners, to see that the capital placed at the disposal of the Company and Commissioners was duly expended upon the Railway, I do not hesitate to affirm that the very high salary hitherto paid to the Professional Commissioner, £750,—exceeding that of either of the Responsible Ministers of Tasmania,—has not been in any way justified by the duties he has performed; and the continuance of that salary during the current month, and the salary of £375 afterwards, is not, in my opinion, a legitimate charge upon the funds placed by the Parliament at the disposal of the Company and Commissioners for the purposes of the Railway, and in the existing very serious financial embarrassments connected with the Railway is especially to be deprecated.

In a previous communication to the Government I drew attention to the fact that the Launceston and Western Railway Act, directing the appointment of Commissioners, did not in any way indicate the appointment of a Professional Commissioner. The action of the Government in appointing a professional, instead of a third non-professional Commissioner, induced, as asserted by Mr. Innes and myself in our letter referred to, the commencement of the Railway upon such utterly insufficient estimates, occasioned the very serious financial embarrassments attendant thereon, and has already involved an additional charge upon the Railway Funds of £2200.

In concluding this letter I desire to express my sense of the courtesy which has characterised all your communications to me as one of the Commissioners, and to thank you for the assurance contained in your letter of the 28th ultimo, that the Government consider I have discharged the duties devolving upon me as one of the Commissioners, "with assiduity and integrity." My desire to conclude them in the same manner induces this communication.

I have, &c.,

(Signed)

THEODORE BARTLEY.

*The Hon. the Colonial Secretary, Hobart Town.*

## 1039.

*Colonial Secretary's Office, 13th April, 1872.*

SIR,

I AM in receipt of your letter dated the 8th instant, in which you "request that you may be relieved of the duties devolving upon you as one of the Commissioners (under the Launceston and Western Railway Act, 30 Vict., No. 28) as soon as the Government can arrange to do so."

In reply, I beg to inform you that your resignation shall be submitted to the Governor in Council, with a view to its acceptance at the earliest opportunity.

I have already conveyed to you an assurance of the recognition by the Government of the "assiduity and integrity" with which you have discharged your duties as a Railway Commissioner, and I cannot but regret that you should have closed your connection with the Government in that character by a communication in which you assume the position of a gratuitous adviser of the Executive, criticise the action of the Governor in Council, and reiterate accusations and complaints against one of your Co-commissioners, which the only authority to which you and he are alike amenable has already dealt with and decided upon.

I cannot understand that your position as an officer appointed and removable by the Governor in Council affords you any legitimate warrant for such a letter as that to which I am now referring, calculated as it is to jeopardise the harmonious co-operation of the Railway Commissioners with each other and with the Executive Government in the discharge of a difficult and delicate public duty.

I deem it necessary to notice only one of your suggestions in the nature of a complaint against the Executive Government, namely, that in which you complain of the appointment, in the first instance, of a Professional Commissioner.

I desire to remind you that the appointment of Mr. Kemp as a Railway Commissioner at a salary of £750 a year was the act of a former administration, of which the late Sir Richard Dry was Premier, and as that Minister only relinquished the position of Chairman of the Committee of Promoters of the Deloraine Railway in accepting office under the Crown, the appointment of which you complain can scarcely be deemed open to a suspicion of antagonism to the interests of the Launceston and Western Railway Company, Limited, while it was obviously indispensable for the protection of those of the colony.

THEODORE B. BARTLEY, *Esq., Launceston.*

I have, &c.,  
(Signed) J. M. WILSON.

## 1040.

*Launceston and Western Railway Company, Limited,  
Launceston, 9th April, 1872.*

SIR,

I HAVE the honor to acknowledge your communication of the 2nd instant, in which you inform the Directors of the reappointment of the Commissioners, and that they are to be paid during the present month at former salaries, and from the 30th instant the Professional Commissioner at £375 per annum, and the non-professional Commissioners the sum of one pound one shilling each for every meeting of Directors attended.

I submitted this letter to the Directors at their weekly meeting held to-day; and I am instructed, at the same time that I acknowledge receipt of your communication, to forward a copy of the resolution passed after the reading of the same, and which is as follows:—

*Resolved*—"That the Directors, having learnt with surprise from the letter of the Honorable the Colonial Secretary of date 2nd April instant, that the salary of the Professional Commissioner is to be continued at the full rate to the end of this month, and that from the end of the month he is to be retained as one of the Commissioners of the Railway at a salary of £375 per annum, or one-half his present salary, desire to place on record their protest against the unnecessary charge thus imposed upon the Railway funds by retaining a Professional Commissioner when the responsibilities of his original appointment no longer exist.

"The Directors desire also to call attention to the departure from the evidently implied promise and intention of the Government, as shown in the reply of the Colonial Secretary of the 11th of November to the memorial of the Shareholders, in which he states that the Government have intimated to the Commissioners that their services will not be required beyond the 31st of March, and in the notice given to Mr. Kemp of the 8th of November, that his professional services will not be required after the same date."

I have, &c.,  
(Signed) H. DOWLING, *Secretary.*  
*The Hon. the Colonial Secretary, Hobart Town.*

1041.

*Colonial Secretary's Office, 13th April, 1872.*

SIR,

I AM in receipt of your letter under date the 9th instant, in which you transcribe, under instructions of the Launceston and Western Railway Company, Limited, a resolution adopted by that Board on the receipt of my letter to you of the 2nd instant, intimating the reappointment at reduced salaries of the Commissioners under the Launceston and Western Railway Act, 30 Vict. No. 28.

The Governor in Council is the authority to which the Legislature has entrusted the appointments in question for the protection of the public interests and at the expense of the Railway funds, and His Excellency's Advisers have made their arrangements on this head under a clear sense of their sole responsibility to Parliament.

I regret that the language of the resolution you have forwarded to me should render it necessary for me to remind you that the Launceston and Western Railway Company, Limited, is unable to meet its engagements to the Colonial Treasury, that its existence is solely due to the aid and use of the Public Credit of the Colony, and that the sum of £8696 0s. 2d. added to the Company's capital in the shape of premiums on Government Debentures exchanged for the Company's Bonds, actually exceeds the whole charge for Railway Commissioners, including the proposed expenditure for the ensuing four months, which will scarcely amount to £200, and for the capital thus acquired the Railway District is not liable to be rated under the Railway Acts.

I have, &amp;c.,

(Signed) J. M. WILSON

H. DOWLING, *Esq.*, *Secretary.*

1042.

*Launceston, 16th April, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 13th instant, informing me "that my resignation as one of the Commissioners of the Launceston and Western Railway shall be submitted to the Governor in Council with a view to its acceptance at the earliest opportunity," and "that you cannot but regret that I should have closed my connection with the Government in that character by a communication in which I assume the position of a gratuitous adviser of the Executive, criticise the action of the Governor in Council, and reiterate accusations and complaints against one of my Co-commissioners, which the only authority to which he and I are alike amenable has already dealt with and decided upon."

In reply I beg to state that I have not the most remote desire "to assume the position of an adviser to the Executive," either gratuitously or otherwise. I have, however, at their respective requests acted as "a gratuitous adviser" to several former Governments.

I claim, and have in my letter of the 8th instant exercised, the right "to criticise the action of the Government" referred to therein in refusing to institute any enquiry into the very serious imputations preferred by Mr. Kemp against Mr. Innes and myself, more particularly in reference to Cameron's Culvert and the alleged large overpayment for ballast, and the grave and distinct charges made, or rather extorted from us by Mr. Kemp, in defending ourselves from such imputations, which, as we stated to the Government, "injuriously affect our official and personal reputation." I am of opinion that the official and social positions respectively sustained by Mr. Innes and myself fully entitled us to the compliance of the Government with our respectful and reasonable request for such enquiry.

I may here mention that during a period of twelve years I held several responsible offices under a former Government, that of the late Sir George Arthur, and that upon my retirement from the Public Service I was favored by him with the highest testimonials, both official and private, as to the "zeal, efficiency, and integrity" with which I had performed the duties of the various offices entrusted to me, one of which was that of a Commissioner appointed specially to take charge of the Customs Department at Launceston, and to introduce and carry out a new system for the due collection of the revenue at that port. The imputations of Mr. Kemp against me in the discharge of my duties as a Commissioner of the Launceston and Western Railway clearly impugn my "zeal, integrity, and efficiency" in the discharge of the duties which have devolved upon me in that capacity, and I feel it is due to my official and personal reputation to avail myself of all legitimate means to ensure such an official enquiry as may determine the correctness or otherwise of such imputations, and of the charges against Mr. Kemp arising out of them. As I asserted in my letter to you, No. 786 Printed Correspondence, and do still assert, "if Mr. Kemp's said imputations are correct I am utterly unworthy to retain the office of a Commissioner of the Launceston and Western Railway."

You state that these grave charges and serious imputations "have already been dealt with and decided upon by the only authority to which the Professional Commissioner and myself are amenable."

I take exception to both the assertions contained in this statement: the only manner in which the said charges and imputations "have been dealt with and decided upon" by the Government is by declining to institute any enquiry whatever as to their correctness or otherwise. I do not consider that the Government "is the only authority to which the Commissioners are amenable"—their appointment was directed and certain defined duties entrusted to them by the Parliament; to it, therefore, they are doubtless also "amenable,"—and entertaining this view it is my intention, as indicated in my former letter, to apply to the Parliament to institute that Commission of Enquiry which the Government have, as I conceive, most unjustifiably refused.

Your statement "that my letter of the 8th instant is calculated to jeopardise the harmonious co-operation of the Railway Commissioners with each other, and with the Executive Government in the discharge of a difficult and delicate public duty," appears to imply that whatever serious imputations may have been made by the Professional Commissioner against Mr. Innes and myself, or the grave charges arising out of such imputations distinctly made by Mr. Innes and myself against him, we should quietly and silently submit to such charges and imputations, and our respectful request for a Commission of Enquiry into them being ignored by the Government without any remonstrance whatever. To such a species of "harmonious co-operation" I have, by my letter referred to, most certainly declined to be in any way a party.

You remind me that the appointment of the Professional Commissioner at a salary of £750 a year was the act of a former administration. I am, and was, quite aware when I wrote on the 8th instant that such was the fact, and did not in any way allude to such appointment in the shape of a "complaint against the present" or former "Executive Government," or with "any suspicion of its being an instance of antagonism to the interests of the Launceston and Western Railway Company, but simply to show that such appointment, although doubtless made with the best intentions as regarded all the interests involved in the construction of the Railway, had been attended with the very serious results indicated by Mr. Innes and myself in our communications to the Government referred to in my former letter, and therefore that it was most undesirable to continue such appointment, more especially in the present embarrassed position of the Railway finances.

I have, &c.,

(Signed)

THEODORE BARTLEY.

*The Hon. the Colonial Secretary, Hobart Town.*

#### 1043.

*Colonial Secretary's Office, 19th April, 1872.*

SIR,

I HAVE the honor to acquaint you that His Excellency the Governor has been pleased to appoint you a Commissioner under the provisions of the Launceston and Western Railway Act, 30 Vict., No. 28, Section 6, in the room of Theodore Bartley, Esq., who has resigned.

The remuneration which will be attached to this office will consist of a fee of £1 1s. for every meeting of Directors of Railway Company attended.

I trust that the labour which this appointment will impose on you, under the present circumstances of the Launceston and Western Railway, will not be found to add materially to the onerous and multifarious duties which you already discharge with so much advantage to the Public Service.

I have, &c.,

(Signed)

J. M. WILSON.

R. C. GUNN, Esq., Launceston.

#### 1044.

*Colonial Secretary's Office, 19th April, 1872.*

SIR,

I HAVE the honor to acquaint you that the Governor in Council has this day been pleased to accept your resignation as a Commissioner of the Launceston and Western Railway.

I have, &c.,

(Signed)

J. M. WILSON.

THEODORE BARTLEY, Esq., Launceston.

1045.

*Colonial Secretary's Office, 20th April, 1872.*

SIR,

I HAVE the honor to acquaint you, for the information of the Board of Directors, that the Governor in Council has been pleased to appoint R. C. Gunn, Esq., to be one of the Commissioners of the Launceston and Western Railway, in the room of Theodore Bartley, Esq., who has resigned his appointment.

I have, &amp;c.,

H. DOWLING, *Secretary.*

(Signed) J. M. WILSON.

1046.

*Launceston and Western Railway Company, Limited,  
Launceston, 23rd April, 1872.*

SIR,

I HAVE the honor to acknowledge receipt of your letter of the 13th instant, in reply to a resolution of the Directors, forwarded to you on the 9th instant, having reference to the arrangement for the reappointment of Commissioners, and to the correspondence on the question which had passed between the Shareholders by memorial to His Excellency the Governor and yourself, on the 11th of November last.

I am instructed to say that the Directors fail to see anything in the language used by them in their resolution on this subject which can be construed in any way unbecoming the respect due to the advisers of His Excellency the Governor, as your communication seems to imply; and I am most respectfully to remind you that their duty to the Shareholders, to whose memorial to the Governor they were referring, would not allow of their saying less than their resolution embodied.

I am further to say that there is nothing in your communication of the 2nd instant which could lead the Directors to suppose that the proposed arrangements would be limited to four months, or that the outlay would be limited to £200 or any other fixed amount; on the contrary, your letter was calculated to convey to the Directors that permanence attached to these appointments, inasmuch as you said "the Government have had under consideration the question of the retention of Railway Commissioners so long as the Company is liable to the Colony for the interest upon its bonds," and then follows the mere detail of the rates of salaries.

The Directors fail to see that the profitable sale of the debentures could fairly debar the shareholders from the right of giving expression to their opinion on the question of retaining a Professional Commissioner and of continuing high salaries to *three* Commissioners, in which expression of opinion they had been fully justified by your letters to the Shareholders and Commissioners of November last.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary, Hobart Town.*

**PURCHASE OF DUPLICATES; EFFECTING A LOAN TO PAY FOR THEM;  
AND DEPOSIT OF BRASS WORK MACHINERY IN MR. WEEDON'S STORE  
AS SECURITY. Nos. 1047. to 1054.**

1047.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 10th January, 1872.*

SIR,

SOME months back the Directory of the Launceston and Western Railway Company ordered from England certain duplicates of machinery and stores, estimated to cost about £750.

The order was sent direct through the Chairman of the Company, as upon a reference the Governor in Council decided that the cost of such duplicates belonged to revenue.

The goods have arrived, and against them a draft upon the Chairman for the sum of £961 13s. 3d.

The Company have applied to the Commissioners to afford them a loan out of the construction funds now lying in the Union Bank, Launceston, to cover this draft as well as the charges on the shipment; and as the whole question arising thereon will, in all probability, be referred to you in a

few days, I beg to forward the accompanying correspondence so as to prepare you for a decision upon the request which may be made upon you. I also forward a copy of the Financial Statement showing the present state of the construction funds.

*The Hon. the Colonial Secretary, Hobart Town.*

I have, &c.,  
(Signed) SAML. V. KEMP.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 29th December, 1871.*

DUPLICATES AT LONDON.

GENTLEMEN,

I HAVE been instructed by the Directors, as you are aware, to ask you to consent to the temporary appropriation, as a loan, of the sum of £961 13s. 3d. out of the funds now in the hands of the Bankers to the credit of the Company and yourselves, in order to pay the draft of the Company's agents against the shipment of the duplicates now landing from the *Araunah*.

On the presumption that their cost had been defrayed in part out of the said moneys, you have already consented that the Company receive the goods, and take them over as required on requisition of the Locomotive Superintendent, and by making payment in detail as required for service; so that the application now made, that you will unite in paying the money here, is but a slight change in the arrangements, having the further advantage under the present altered circumstances of enabling the Directors to pay the London draft and secure rebate. The security to the funds of the "Company and Commissioners" will remain the same as before arranged.

*The Commissioners, Launceston.*

I have, &c.,  
(Signed) H. DOWLING, *Secretary.*

(Copy.)

*Railway Commissioners' Office, Launceston, 4th January, 1872.*

SIR,

REFERRING to your application for a loan from the Company and Commissioners' account in the Union Bank, Launceston, for the sum of £961 13s. 3d. to meet a draft upon the Company for duplicates which the Governor in Council decided should be paid for out of revenue account, we beg to remind you that, after a long correspondence between the Hon. the Colonial Treasurer and the Directory, it was decided that the balance remaining of the first loan of £300,000 should be expended before the further loan of a £100,000 was trencched upon.

Under this decision the whole of the funds to the credit of the Company and Commissioners' account at the Union Bank of Australia, Launceston, were so expended, and a further sum having now been placed to the credit of such account by transfer from London, the Commissioners deem it their duty to take care that sum is expended in payment of demands on construction account before any further claim is made upon the balance of the £100,000 now in the hands of the Colonial Treasurer.

Under these circumstances we regret that we cannot comply with the application for the loan referred to in your letter of the 29th ultimo.

We would, therefore, suggest that an application should be forwarded to the Hon. the Colonial Secretary by the Directory requesting the concurrence of the Governor in Council to such loan.

*H. DOWLING, Esq., Secretary.*

We have, &c.,  
(Signed) SAML. V. KEMP.  
THEODORE BARTLEY.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 5th January, 1872.*

GENTLEMEN,

I BEG to acknowledge your letter of the 4th instant with reference to the application of the Directors for a loan to meet the cost of duplicates, and in which you recommend that an application shall be forwarded to the Colonial Secretary requesting the concurrence of the Governor in Council to such loan.

I have submitted this letter to the Chairman, and he agrees with me that unless the Commissioners are prepared to recommend concurrence it were useless to address the Government.

The whole of the circumstances are known to you, and you know the ultimate consequences of the refusal of the said loan; and I have therefore respectfully to submit to you whether before making the application you recommend the Directors should not have your assurance that you will unite with them in making application to the Governor in Council for authority to make such loan out of the funds now standing at the credit of the Company and Commissioners at the Union Bank. It appears to me that no action of the Governor in Council would move the Colonial Treasurer to concur in the face of the statutory enactment which directs him in respect to the expenditure of moneys in his hands, and that it will be useless for the Directors to make an application excepting with the full concurrence of the Commissioners, and in reference to the funds now at their disposal jointly with the Directors.

*The Commissioners, Launceston.*

I have, &c.,  
(Signed) H. DOWLING, *Secretary.*



(Copy.)

*Railway Commissioners' Office, Public Buildings,  
Launceston, 8th January, 1872.*

SIR,

YOUR communication of the 5th instant having reference to a loan of £961 13s. 3d. out of construction account to cover the draft advised for duplicates, and requesting that the Commissioners shall advise as to how far they would recommend such for the consideration and concurrence of the Governor in Council, has received from me a most anxious attention.

When the matter was first introduced it appeared to me that under certain precautions this could be done. But the time that has since lapsed has allowed a grave doubt to rise in my mind whether it is in the power of the Commissioners to do so, whether the law permits it; so grave is the doubt that even although it may seem inconsistent and give rise to inconvenience, I feel that I would not be justified in giving my consent to this appropriation unless the Attorney-General advise the using the construction funds for such an outlay is within the meaning of the Act. If it be not, to do so would be overriding the law, a consequence I will endeavour to avoid.

If, on the other hand, the Commissioners are advised that they have the power to make such a loan for the purpose mentioned, subject to the conditions I have already communicated, I will comply with the request contained in your letter; but at the same time I must advise the Government of the small balance at present available, amounting to £1745 3s. 7d., while there is, I apprehend, some outstanding accounts; and the requirements of next winter are not to be forgotten.

I have, &c.,  
(Signed) SAML. V. KEMP.

H. DOWLING, *Secretary*.

## MR. BARTLEY'S ENDORSEMENT.

(Copy.)

As the Directors are, perhaps, aware I have always been of opinion that duplicates should have been paid for out of construction account, and recommended the application of the Directory accordingly, but having regard to the explicit provisions of the Railway Act that the moneys raised under it are to be expended upon the Railway and works, the Commissioners would be personally responsible for any loan they might make to the Directory, a responsibility from which the sanction of the Government, if obtained, could not relieve them.

(Signed) THEODORE BARTLEY.  
9. 1. 72.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 8th January, 1872.*

SIR,

I BEG to acknowledge your personal reply to my letter addressed to the Commissioners on the 5th instant. It will be my duty to submit this to the Directors to-morrow, but I think it would have been more satisfactory to them had the reply given the decision of the Commissioners.

I was unaware that you had personally expressed any intention to promote the interests of the Company in this matter. I was rather under the impression that you were not so disposed from the first, and felt that the security from great embarrassment possessed by all parties consisted in the provision of the law which gives to the act of two Commissioners full force in all cases of this nature; and I could not conceive that the loan would be refused in the face of the very serious consequences which must follow.

For several weeks past the Commissioners have been acting under the impression that these goods had been paid for in London out of the funds of the Company and Commissioners, and that the Company therefore stood indebted to this extent, and arrangements had been consented to by Messrs. Innes and Bartley under which the Company were to repay this loan as the goods were used on requisitions addressed through this office.

Whilst, therefore, I can understand that you deem it necessary to offer objections, I shall expect to find your coadjutors not indisposed to make the loan out of the funds now available in Launceston—thus placing the Company in the precise position they would have occupied had the funds been appropriated in London for the same purpose, the Commissioners holding precisely the same security.

I have, &c.,  
(Signed) H. DOWLING, *Secretary*.

S. V. KEMP, *Esq.*

LAUNCESTON AND WESTERN RAILWAY.

STATEMENT showing the Balance of Construction Funds, and the Liabilities against the same, January 2nd, 1872.

	Amount of Authority.			Expended.			Liability.											
	£	s.	d.	£	s.	d.	£	s.	d.									
Engineer's Fee .....	—	—	—	—	—	—	150	0	0	By Funds in hands Colonial Treasurer .....								
Evandale Extension .....	—	—	—	—	—	—	250	0	0									
Longford ditto .....	—	—	—	—	—	—	207	12	8									
Ramps on Line .....	100	0	0	—	—	—	100	0	0	Ditto, Union Bank ...								
Launceston outside Platform	200	0	0	54	0	5	146	19	7									
Ditto Carriage Shed ..	200	0	0	—	—	—	200	0	0									
Deloraine Carriage Shed ..	200	0	0	—	—	—	200	0	0									
Commissioners .....	—	—	—	—	—	—	300	0	0									
Weston's Claim .....	—	—	—	—	—	—	150	0	0									
Church of England .....	—	—	—	—	—	—	175	0	0									
Probable Costs .....	—	—	—	—	—	—	60	0	0									
Contractor's Interest.....	—	—	—	—	—	—	20	6	8									
Cameron's Culvert.....	850	0	0	24	14	6	825	5	6									
Tools for Maintenance ....	200	0	0	163	10	6	36	9	6									
Ditto additional .....	—	—	—	—	—	—	50	0	0									
Setting up Tools.....	—	—	—	—	—	—	128	0	0									
Turntables strength .....	—	—	—	—	—	—	50	0	0									
							3049	13	11									
Add Loan on account of Duplicates .....							961	13	3									
							4011	7	2									
							783	10	4									
Balance unappropriated ..							£4794	17	6									

	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
By Funds in hands Colonial Treasurer .....	—	—	—	3686	11	4						
Ditto, Union Bank ...	—	—	—	1420	10	4						
				5107	1	8						
Less Cheques not banked—												
A. Reid .....	5	0	0									
A. Clerke .....	2	0	0									
				7	0	0						
Amount of Accounts passed, January 2, 1872 .....	305	4	2				312	4	2			
										4794	17	6

E. & O. E. H. DOWLING, Secretary.

1048.

Hobart Town, 24th January, 1872.

SIR,  
WITH reference to previous communications to you relative to an application of the Directory of the Launceston and Western Railway Company either to apply a sum of about £961 from Construction Fund to the payment of certain duplicate machinery, &c. ordered without the sanction of the Commissioners or the Government, and which has arrived from England; or to advance such sum by way of loan,—I have the honor to acquaint you that the Commissioners have unanimously declined to entertain either proposal until, all works being completed, it is ascertained that there is any balance available.

In making this communication to you I desire to add that since the decision of the Commissioners was made known to the Directory, it has been ascertained that the Contractors—Messrs. Overend and Robb—have preferred a claim upon the Company for extras amounting to £3800. It is alleged that this claim cannot be established; but the fact of its having been preferred will tend to show that the caution the Commissioners have exercised is quite necessary.

I have, &c.,  
(Signed) FRED. M. INNES.

The Hon. the Colonial Secretary.

I arrived from Launceston this morning.

1049.

Railway Commissioners' Office, Public Buildings,  
Launceston, 31st January, 1872.

SIR,  
I BEG to intimate for your information that, at a Meeting of the Directory of the Launceston and Western Railway Company held yesterday, it was stated by the Secretary that the draft from London on account of Duplicates amounting to £961 13s. 3d., and of which you have already been written to about, has been partly covered,—£750 for this purpose having been borrowed from the Savings' Bank in this town.

Lest you may not be advised of it I may also mention, that at the same meeting an opinion from the Solicitors of the Company on Messrs. Overend & Robb's claim was read, and which was adverse to the Contractors. And at the same sitting the resignations of Mr. Tidy, the Superintending Officer of the Permanent Way, and the most prominent man in the construction of the works, and of Mr. Jetter, the Traffic Superintendent, were read. I much regret the former, as it will be almost impossible to readily secure the services of so efficient and intelligent an officer.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

### 1050.

*Colonial Secretary's Office, 19th March, 1872.*

SIR,

I HAVE this day received a Telegram from Launceston intimating that it is rumoured that cases of Brass-work or Machinery belonging to the Launceston and Western Railway, over which Government hold security, have been removed from their Depôt to Mr. Weedon's private Stores.

If the above information be correct, I have to request that you will acquaint me under what circumstances the transfer has been effected.

I have, &c.,

(Signed) J. M. WILSON.

S. V. KEMP, Esq., Launceston.

### 1051.

*Railway Commissioners' Office, Public Buildings, Launceston,  
20th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your communication of yesterday's date, wherein you intimate that it is "rumoured that cases of brasswork or machinery belonging to the Launceston and Western Railway, over which Government hold security, have been removed from their depôt to Mr. Weedon's private store," and requesting me to acquaint you under what circumstances the transfer has been effected.

In reply I have to inform you that, to my great surprise, I found, upon meeting the Chairman of the Company, that instructions had been given to remove the duplicate parts of locomotives and stores received by the ship "Araunah," and till recently lying in the stores of the Company. They, saving the locomotive wheels and axles, wheel-tyres, and engine pistons, are now deposited in a store in William-street belonging to Mr. Weedon, and, as I understand, are held as a security for and advance of £750 made by Mr. Pullen, of the Launceston Savings' Bank, to cover the draft made against the goods in question.

The enclosed copies of correspondence and minute from the Company's Journal will show under what circumstances a loan was obtained from Mr. Pullen: they consist of—

Minute from Company's Journal, dated 23rd January, 1872.

Letter to Mr. Pullen from Secretary, dated 25th January, 1872.

Chairman's and Secretary's Receipt for £750, dated 25th January, 1872.

Letter from Secretary to self, dated 20th March, 1872.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

(Copy.)

### MINUTES, January 23rd, 1872.

Mr. Weedon moved and Mr. Tyson seconded—That the Commissioners, having declined to recommend the application of the Company to the Colonial Secretary, that he would be pleased to bring under the consideration of the Governor in Council the question of the duplicate parts of the locomotives, just arrived per "Araunah," with a view to their payment, and for the cost of them being made from the funds of the Company under the control of the Commissioners; and as it is of vital importance to the credit of the Company that provision be at once made to take up the Acceptance of the Company to Messrs. Sharp and Terry for such cost, and to obtain the Bill Lading for the goods from the Commercial Bank, the Chairman is hereby authorised to make the best arrangements he can to obtain funds upon the security of the goods, and to retire the said Acceptance under rebate.

(Copy.)

25th January, 1872.

DEAR SIR,

I AM instructed by the Chairman of the Company to say, with reference to the goods per "Araunah," upon the security of which you have this day advanced the sum of £750 (seven hundred and fifty pounds), that, on behalf of the Company, he engages hereby to hold the said goods, as described in the Invoice this day given to you, for and on your behalf, on the premises of the Company, until the said sum of money has been repaid, or until you demand that the said goods shall be removed to some other stores in Launceston, and to insure the same against loss by fire forthwith.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*G. PULLEN, *Esq.*

(Copy.)

£750 0 0

25th January, 1872.

RECEIVED from George Pullen, Esq., the sum of *Seven hundred and fifty Pounds sterling*, on loan to the Launceston and Western Railway Company (limited), the said sum to bear interest at the rate of eight per centum per annum, until repaid: the goods described in the invoice hereunto attached, which are to be stored, and fully insured against loss by fire, in the name of and for account of the said George Pullen, but at the cost of the said Company,—being held by him to secure the due payment of the said £750, and interest thereon, on demand made by him, and to be returned to the said Company when the said principal sum and interest thereon has been duly paid.

(Signed) R. GREEN, *Chairman.*H. DOWLING, *Secretary.*

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 20th March, 1872.*

SIR,

IN answer to your verbal request, I beg to enclose, for the information of the Government, the papers in the matter of the loan raised on security of the goods per "Araunah," for the purpose of paying the London Draft of Messrs. Sharp & Terry, and releasing the Bill of Lading and Invoices from the Bank to which they had been hypothecated. In pursuance of the arrangements made with Mr. Pullen, orders were given to remove the cases into stores, they being then on the open ground, and exposed to the risk of bad weather; but this continuing so long fine, they were not removed until the weather appearing threatening,—and at the same time a pecuniary difficulty appearing imminent between the Company and the Commissioners on the one part, and the Contractors on the other, arising out of claims made by the latter,—the storage of the goods under the agreement was insisted upon. Many of these goods are so essential to the working of the stock that frequent applications, as you are aware, are made by the locomotive department for some of the duplicates to be issued; and it will be necessary for the Directors to make early arrangements for their redemption.

I have the honor to request that this communication may be forwarded to the Government, with its enclosures.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

S. V. KEMP, *Esq., Office of Railway Commissioners,  
Launceston.*

1052.

20th March.

DEAR SIR,

MR. Kemp having made a verbal demand this morning for the papers, of which the enclosed are copies, it has appeared to me that you would desire to have them for perusal. The Government must see that the transaction has been legitimate, and necessary, to prevent the draft of the London agents being returned dishonoured. I need scarcely say that whilst Mr. Kemp seems to repudiate the statement I made to him this morning, that arrangements were made for storage as security to the lender, the papers now supplied are from the minute book and letter book of the Company, and were read at the Directors' meetings, at which Mr. Kemp was present.

Yours truly,

H. DOWLING.

F. M. INNES, *Esq.*

REFERRED to the Colonial Secretary.

F. M. INNES.

20th March, 1872.

SIR,

IN answer to your verbal request I beg to enclose, for the information of the Government, the papers in the matter of the loan raised on security of the goods per "Araunah," for the purpose of paying the London draft of Messrs. Sharp and Terry, and releasing the bill of lading and invoices from the Bank to which they had been hypothecated. In pursuance of the arrangements made with Mr. Pullen, orders were given to remove the cases into stores, they being then on the open ground, and exposed to the risk of bad weather—but this continuing so long fine, they were not removed until the weather appearing threatening—and at the same time a pecuniary difficulty appearing imminent between the Company and the Commissioners on the one part, and the Contractors on the other, arising out of claims made by the latter, —the storage of the goods under the agreement was insisted upon. Many of these goods are so essential to the working of the stock, that frequent applications, as you are aware, are made by the locomotive department for some of the duplicates to be issued, and it will be necessary for the Directors to make early arrangements for their redemption.

I have the honor to request that this communication may be forwarded to the Government, with its enclosures.

Yours, &amp;c.,

(Signed) H. DOWLING, *Secretary.*S. V. KEMP, *Esq., Office of Railway Commissioners, Launceston.*

(Copy.)

MINUTES, January 23rd, 1872.

Mr. Weedon moved and Mr. Tyson seconded,—

"That the Commissioners having declined to recommend the application of the Company to the Colonial Secretary, that he would be pleased to bring under the consideration of the Governor in Council the question of duplicate parts of the locomotives, just arrived per "Araunah," with a view to their payment; and for the cost of them being made from the funds of the Company under the control of the Commissioners; and as it is of vital importance to the credit of the Company that provision be at once made to take up the acceptance of the Company to Messrs. Sharp and Terry, for such cost, and to obtain the bill of lading for the goods from the Commercial Bank, the Chairman is hereby authorised to make the best arrangements he can to obtain funds upon the security of the goods, and to retire the said acceptance, under rebate."

(Copy.)

25th January, 1872.

DEAR SIR,

I AM instructed by the Chairman of the Company to say, with reference to the goods per "Araunah," upon the security of which you have this day advanced the sum of £750, (seven hundred and fifty pounds), that, on behalf of the Company, he engages hereby to hold the said goods, as described in the invoice this day given to you, for, and on your behalf, on the premises of the Company, until the said sum of money has been repaid, or until you demand that the said goods shall be removed to some other stores in Launceston; and to insure the same against loss by fire forthwith.

Yours truly,

(Signed) H. DOWLING, *Secretary.*G. PULLEN, *Esq.*

(Copy.)

25th January, 1872.

£750 0 0

RECEIVED from George Pullen, Esq., the sum of *Seven hundred and fifty Pounds sterling*, on loan to the Launceston and Western Railway Company (Limited), the said sum to bear interest at the rate of eight per centum per annum until repaid; the goods described in the invoice hereunto attached, which are to be stored, and fully insured against loss by fire, in the name of, and for account of the said George Pullen, but at the cost of the said Company, being held by him to secure the due payment of the said £750, and interest thereon, on demand made by him, and to be returned to the said Company, when the said principal sum and interest thereon has been duly paid.

(Signed) R. GREEN, *Chairman.*H. DOWLING, *Secretary.*

1053.

*Launceston and Western Railway Company, Limited,  
Launceston, 12th April, 1872.*

GENTLEMEN,

I HAVE the honor to refer you to former correspondence respecting payment of duplicate parts of engines and rolling stock; and have respectfully to submit that the time has arrived when the Directors may ask a reconsideration of this question; seeing that the expenditure of the loans is now clearly defined and understood; and I am in a position to prove that economy in working must accrue from the Company having possession of the invoices non-hypothecated.

I most respectfully ask your consent to, and concurrence in, an application to the Government for the sum of £761, for the payment of those parts which are, strictly speaking, locomotive duplicates, and ought to have been sent with the engines.

By the copy of Mr. Jetter's letter, also annexed, you will see that the possession of the invoice in question by the Company is highly important, in a further sense than attaches to the obtaining the locomotive duplicates—though an accident to either of the engines may at any moment render the want of these duplicates the greater evil,—namely, the economical working of the wagon and carriage stock; and the lesser deterioration of it; to which is to be added the saving of time to passengers and others, during shunting at minor stations.

If I have the honor to receive your approval, I will then address the Honorable the Colonial Secretary in terms of this letter, and enclose it to you for transmission.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Commissioners, Launceston.*

(Copy.)

1st April, 1872.

DEAR SIR,

ON the eve of my departure from the Colony, and in view of the responsibility devolving upon those officers who succeed me in the management of the locomotive and rolling stock, I consider it my duty to draw the attention of the Directors to the importance of having the locomotive and carriage duplicates handed over to the Company.

In the event of any mishap to either of the engines, the want of them may lead to serious inconvenience; and with regard to a considerable portion of the carriages and wagons, constant deterioration will take place in the bearings and brasses, which the duplicates in store were specially ordered to prevent. The oil boxes and patent brasses are so superior to those adapted for grease, that the tractive power necessary, and the consumption of fuel, is considerably reduced by using them; to say nothing of the greater ease, and saving of time in hand shunting trucks into the roadside stations.

Yours truly,

(Signed) J. F. L. JETTER, *Traffic Manager.*

H. DOWLING, *Esq., Secretary.*

#### 1054.

*Launceston and Western Railway Company, Limited,  
Launceston, 15th April, 1872.*

GENTLEMEN,

REFERRING you to my letter of the 12th instant, I have the honor to forward, for your approval and transmission, the enclosed letter to the Honorable the Colonial Secretary, applying for £750 still in the hands of the Colonial Treasurer, for redemption of duplicates per Araunah. I presume I need add nothing to my former communication, and to the representations of Mr. Jetter, to show the value of these duplicates in the hands of the locomotive foreman, in the economical working of the Line.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Commissioners, Launceston.*

#### 1055.

*Launceston and Western Railway Company, Limited,  
Launceston, 15th April, 1872.*

SIR,

I HAVE the honor to ask that the concurrence of the Governor in Council may be requested in the expenditure of £750 for duplicates to engines arrived from London, and which are required by the locomotive department. Previously to the order being transmitted, the Government expressed the opinion that these goods might be fairly charged against revenue; and the Directors, anxious to submit to the opinion thus expressed, and under the impression that revenue might prove sufficient to bear the outlay, offered no objection. On the arrival of these goods, however, it was found that the revenue would prove insufficient for a charge of this nature, it being for goods that might not be required for some time, unless on the occurrence of some accident, although some of them were imperatively needed, as will be seen by the letter of Mr. Jetter forwarded to the Commissioners; and under the circumstances the Directors had no alternative, unless they had reduced the repairing gangs employed on embankments which had subsided,—a course of proceeding they carefully avoided,—but to borrow the sum now asked for on security of the goods; and this was done.

The actual cost of the goods was drawn for by the London Agents as £955; and the proportion, therefore, of the value of the duplicate parts of engines is £761, leaving £194 to be borne by revenue for the remaining portion of the invoice, consisting of the duplicates for wagon stock, which Mr. Jetter shows are so imperatively required. The original sum asked for being £750, I have the honor to ask this sum, which will be sufficient to relieve the whole invoice from its present holder, and put the locomotive department in a position to make the additions and alterations to the rolling stock so urgently recommended by Mr. Jetter. In addition to which important advantage the Directors will be then in a position promptly to meet repairs in event of any unfortunate accident to either of the engines now running.

Your early consideration of this request, I have the honor further to say, is of the utmost importance, since it is certain that any moment might bring an accident to disable one or more of the engines, such as the collision of two of them, or their running off the Line. We have been at present singularly fortunate in this respect, but this condition of things cannot be guaranteed; and the non-possession of these duplicates is a constant source of anxiety to the management.

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

*The Hon. the Colonial Secretary, Hobart Town.*

I SUSPENDED my concurrence to an application similar in effect to the present until it was ascertained that certain definite contingencies had been met, and it was found that a balance of construction moneys remained. These contingencies have been covered, and a balance remains available, and I therefore recommend that an amount corresponding to the cost of "duplicates" be allowed. I do not think it right to withhold my recommendation because this, that, or any other accident may occur in the present or any future season which it will entail a greater or less cost to cover. I have only to consider immediate probable claims upon construction funds. I know of none more urgent than the proper provision of "duplicates" to meet emergencies in the working of the Railway. Mr. Kemp intimates to me that it is his intention to indicate the items in accompanying account which in his opinion come under the definition of "stores" and "duplicates" respectively.

F. M. INNES.  
15. 4. 72.

I RECOMMENDED on the first application of the Directors that the cost of *bonâ fide* duplicates should be paid out of construction account; I therefore concur in the foregoing recommendation.

THEODORE BARTLEY.  
16. 4. 72.

#### MEMO.

I HAVE every desire to assist the Directors of the Launceston and Western Railway Company; but I cannot forget the experience of the past, nor the prospects of the future. The balance of construction money is now reduced to £1200. The busy season is all but passed, and no funds have been saved from it to tide over the dull portion of the year. But this does not concern me so much as the approaching winter. There may not be extra earth-work demands, but the great, if not the almost certainty, is that there will be; and that funds for this purpose, if they be required, will have to be provided by the Government, for it is certain they cannot come out of the earnings of the Company.

If we now spend the small reserve, what preparation will have to be made for the future? None. There are land claims at Cameron's and at other places along the line yet to be adjusted for which no provision has been made, and which must come out of construction funds; besides the several other matters detailed in my communication of the 26th ultimo. The Secretary in his letter states the "invoices" have been hypothecated. I believe that if they were examined, only a small portion of the amount would be strictly chargeable to duplicates, the bulk being for stores, as marked by me in the accompanying list herewith transmitted, and which it must be borne in mind is only an estimate, not an invoice.

If the Government deemed that it would be advisable to again assist the Company, I would recommend that the Directors detail the duplicates now urgently required, that the cost be ascertained and the value paid to the holders of the lien, so that these portions might be released; but I submit that such an acquiescence should not be expected to extend to stores.

You will please note that the estimate for these stores and duplicates was £750; the actual cost of the same being £955; and I submit that no fair distribution could be made without the original priced invoices, which we are informed have not yet arrived.

(Signed) SAML. V. KEMP.  
15. 4. 72.

## LAUNCESTON AND WESTERN RAILWAY COMPANY.

<i>LIST of Locomotive and Carriage Duplicates.</i>		£	s.	d.
	One pair of driving wheels and crank, axle finished complete, with best steel tyres, 2½ in. thick on tread .....	140	0	0
	One pair of trailing wheels and axle complete, with best steel tyres, 2½ in. thick on tread ..	110	0	0
	One pair of cylinders with covers, glands, bolts, &c., finished complete for fixing .....	50	0	0
Stores.	Eight cast iron piston rings, finished, to be left 1-32 in., full in width to allow for adjustment	8	0	0
Ditto.	Two sets of brass castings, complete for engine axle-boxes, recessed on each side for patent metal .....	32	0	0
Ditto.	Two sets of brass castings complete for connecting rod brasses, recessed for patent metal...	20	0	0
Ditto.	Two sets of brass castings, complete for coupling rod brasses, engines 1914 and 1915 .....	10	0	0
Ditto.	Two sets, ditto ditto, engines 1987 and 1988 .....	5	0	0
Ditto.	Two sets rolled cast steel tyres, viz., 4 for driving wheels, 4 for trailing wheels, and 8 for bogie wheels .....	100	0	0
Ditto.	Thirty solid drawn brass tubes for boiler .....	45	0	0
	One spare Giffard's Injector, No. 8 .....	32	0	0
Half this amount to Stores.	One complete set of bearing springs throughout engine .....	18	0	0
	Four tons fire-bars for locomotives, to following section; viz., ¾ × ¾ × 3½ in., at £7 per ton	28	0	0
		£598	0	0

This is Mr. Jetter's indent for actual locomotive duplicates, £598; but the total of the indent, which included oil, axle-boxes, &c., was £750. The cost of the whole of the goods, however, as per draft, was £955. Calculating the £598 for locomotive duplicates, proportionately, it gives £761 due for them. Example:—

$$\text{If } £750 \text{ gives } £955 ? \quad £598 = £761 \quad 0 \quad 0$$

This I submit is not a fair division of the accounts, and cannot be made without the original priced invoices.

S. V. K.  
15. 4. 72.

## 1056.

*Launceston and Western Railway Company, Limited,  
Launceston, 18th April, 1872.*

GENTLEMEN,

IN addressing you on the question of duplicate parts of engines on the 12th instant, and further on the 15th instant, I find that I omitted to call your attention to a fact which also may have escaped your notice, that the duplicates contained in the invoices by the *Araunah* are far less than would have been forwarded in the first instance had the agents attended to specifications when shipping the engines, because in this case duplicates would have been sent with each engine. I have satisfied myself of the practice by examining the specifications of engines for Queensland in possession of Mr. Jetter. In the case now before the Commissioners you will find that Mr. Jetter has estimated only for duplicate wheels and cylinders for *one* engine, injector and bearing springs for *one* engine, with piston rings and brass castings for *two* engines only, the latter comprising wearing parts of the locomotive, always included in the list of duplicates furnished with new engines.

You will see, therefore, that Mr. Jetter has been exceptionally economical in the order for duplicates, which really are to be applied to four engines, having omitted the important item of bogie wheels altogether. In addition to the evidence on the question from our Locomotive Superintendent, I may add that I have authority for saying that the Contractors obtained duplicates for working parts when they purchased the second-hand engines they used for construction.

I have, &c.,

(Signed) H. DOWLING, *Secretary*,

*The Commissioners, Launceston.*

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 18th April, 1872.*

DEAR SIR,

PLEASE advise me as to the practice of manufacturers in respect to the supply of duplicate parts of Locomotive Engines, and also what is understood by Mechanical Engineers by the specification "the usual duplicates?"

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

*Mr. BATCHELOR, Locomotive Foreman.*



(Copy.)

*Locomotive Department, Launceston and Western Railway,  
18th April, 1872.*

SIR,

IN reply to your letter I beg to inform you that "duplicates" used in specifications means all the working parts of an engine, in fact a complete engine excepting boiler and framing.

I never knew an engine to come to the colonies without these duplicates unless specified in ordering, and I think the Company is running a great risk in not having them in stock.

I have, &amp;c.,

(Signed) W. E. BATCHELOR, *Locomotive Foreman.*H. DOWLING, *Esq., Manager.*

THESE papers are forwarded to the Hon. the Colonial Secretary in support of the application of the Directory of the Launceston and Western Railway Company, which it is presumed that Mr. Kemp has by this time forwarded for the consideration of the Executive.

F. M. INNES.  
19 April, '72.

## 1057.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 24th April, 1872.*

SIR,

I HAVE the honor to advise that, at a meeting of the Directory of the Launceston and Western Railway Company held yesterday, a copy of a letter from the Secretary, addressed to the Commissioners on the 18th instant, and having reference to the payment of duplicates out of construction funds, was read to the meeting.

Presuming that this letter has been forwarded to you, I think it is due to myself that I should inform you that the Secretary, Mr. Dowling, had not the courtesy to send this letter through me, and that its contents I was ignorant of until it was made known as mentioned.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

## 1058.

*Launceston and Western Railway Company, Limited,  
Launceston, 25th April, 1872.*

SIR,

Re DUPLICATES.

ON the 12th instant, I had the honor to forward for your information, through the Commissioners, a report by Mr. Jetter, lately the Locomotive Superintendent on this Line, in which he urges upon the Directors the importance, in an economical point of view, of refitting the rolling stock with oil boxes, in lieu of grease boxes, intimating that "the tractive power necessary, and the consumption of fuel, is considerably reduced by using them." The present foreman is very urgent for these articles being in stock, in view of the approach of the winter; and, as I am informed that the whole of the papers are before you, with the report of the Commissioners, I now most respectfully ask a decision being arrived at, as early as possible, on this very important question; for in the event of this decision being adverse, the locomotive foreman must put other work in hand instead of proceeding with the alterations so urgently needed.

The report of the present locomotive foreman I had the honor to forward to the Honorable Mr. Innes in my letter to the Commissioners of the 18th instant.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary, Hobart Town.*

*Office of the Commissioners of the Launceston and Western Railway Company, 28th May, 1872.*

SIR,

WE have the honor to acquaint you, that in compliance with your wish we have carefully reconsidered the correspondence which has passed between the Launceston and Western Railway Company, ourselves, and the Government, on the application of the Company for an appropriation from construction funds to the restoration, &c., of Cutting No. 35, and also to the payment of certain duplicate machinery &c. which arrived a short time since in the "Araunah;" and it is our unanimous recommendation that no part of the remaining funds should be applied to the "repair" of works reported to have been completed, but that the sum of £564 10s. should be allowed for duplicates.

In submitting this recommendation to the Government, we desire to explain that not only would a principle which we have deemed it important to adhere to, be surrendered by the diversion of construction moneys to repairs, but, in this instance, no object would be really accomplished,—none, at least, adequate to the necessities of the case, as will appear by further correspondence.

But as regards "duplicates," they do form a part of the legitimate expenditure from construction funds; and although some diversity of opinion has existed among us as to what items come properly under the definition of "duplicates," or of "stores," the main reason for impeding the sanction of this outlay has been the apprehension that there were not sufficient funds to meet it. Having, however, had the opportunity afforded us to reconsider the question, and with the aid of subsequent experience, we have arrived at the conclusion that the sum named should be allowed; and we should, in our capacity of Commissioners, strongly deprecate any crisis in the affairs of the Company being permitted to arise in consequence of its being withheld.

It remains that we should satisfy the Executive that our recommendation can be given effect to without exceeding the funds available, and we therefore enclose a finance statement to this date,—to the estimates in which we shall feel ourselves bound to conform in the event of the Governor in Council acceding to that recommendation.

We transmit with this an account of the "duplicates" which we have recognised, and a separate statement of "stores;" and we submit, in doing so, that it should be clearly understood with the Company in allowing the former as a charge on construction capital, that the several articles in question shall be brought under the provision of sec. 9, 30th Vic. No. 28—latter part of the section.

We have, &c.,

(Signed)

FRED. M. INNES.  
SAML. V. KEMP.  
R. C. GUNN.

*The Hon. the Colonial Secretary, Hobart Town.*

*STATEMENT showing the balance of Construction Funds to the credit of the Launceston and Western Railway Company and Commissioners; also, an estimate of the remaining Liabilities, and requirements chargeable against such funds. Launceston, May 28th, 1872.*

	£	s.	d.	£	s.	d.
Balance now in the hands of the Honorable the Colonial Treasurer .....				1178	7	9
Commissioners' salaries and expenses .....	275	0	0			
Cameron's land claim, say .....	30	0	0			
Dodery's land claim, say .....	40	0	0			
Road at Launceston .....	50	0	0			
Road at Deloraine .....	78	0	0			
Cattle yard at ditto .....	50	0	0			
Law costs, say .....	30	0	0			
Duplicates .....	564	10	0			
				1117	10	0
Balance available for contingencies .....				£60	17	9

SAML. V. KEMP.  
29. 5. 72.

*DETAILED Statement of amounts which the Commissioners recommend to be allowed to the Company from Construction funds, under the head of Duplicates. Launceston, 28th May, 1872.*

	£	s.	d.	£	s.	d.
Two pairs of driving and trailing wheels, with crank and plain axles complete, with best steel tyres, 2½in. thick on tread .....	206	0	0			
One pair of cylinders, with covers, glands, bolts, &c., finished complete for fixing .....	70	0	0			

	£	s.	d.	£	s.	d.
Eight cast rings for 4 pistons, finished .....	3	10	0			
Two sets of brass castings, complete, for engine axle boxes, recessed on each side for patent metal .....	33	0	0			
Two sets of brass castings, complete, for connecting rod brasses, recessed for patent metal .....	28	0	0			
Two sets of brass castings, complete, for coupling rod brasses for engines Nos. 1914 and 1915 .....	12	0	0			
Two sets of brass castings, complete, for coupling rod brasses for engines Nos. 1987 and 1988 .....	12	0	0			
One set of rolled cast steel tyres, for 4 bogie wheels .....	30	0	0			
One spare "Gifford's" injector, No. 8 .....	32	0	0			
One complete set of bearing springs throughout engine .....	36	0	0			
Thirty solid brass tubes for boilers .....	30	0	0			

*Total cost of duplicates and stores imported to the Colony :—*

Stephenson & Sons' charges for duplicates and stores .....	668	13	0
Metropolitan Carriage Company, for stores .....	134	8	4
Thomas Ellis for steel, stores .....	30	1	6

Freight, exchange, and other charges .....	121	17	2
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Total cost.....	£955 0 0
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Proportion of freight and charges on £492 10s:—If £833 : £122 :: £492 : £72	..	72 0 0
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**£564 10 0**

SAML. V. KEMP.  
28. 5. 72.

*DETAILED Statement of Stores which were imported with the Duplicates by the Launceston and Western Railway Company. Launceston, 28th May, 1872.*

		£	s.	d.
Two sets of rolled cast steel tyres, viz., 4 for driving wheels, 4 for trailing wheels, and 8 for bogie wheels	£167	0	0	
Less 4 bogie wheel tyres paid for as duplicates	30	0	0	
304 wrt. iron fire bars, 87 cwt. at 9s.		137	0	0
50 Carr's patent axle boxes, with brasses of Parsons' patent white metal, 6½in. long, leather washers, and 4 lubricators to each box, at 32s. 6d. ea.		39	3	0
200 leather collars for same, at 1s. 2d. ea.		83	15	0
24 draw-bar springs for waggons, 10s. ea.		11	13	4
8 wagon buffers complete, at 37s. 6d. ea.		12	0	0
24 spare rings for buffers, at 10s. ea.		15	0	0
		12	0	0
	cwt. qrs. lbs.			
10 bundles foreign spring steel, 3in. × ½in.	12 1 20			
10 ditto, 4in. × ½in.	11 1 23			
13 ditto, 4in. × ½in.	12 1 17			
	36 1 4			

36 cwt. 1 qr. 4 lbs., at 17s. per cwt. ....	£30 16 10	} 30 1 6
Discount, 2½ per cent. ....	0 15 4	

Freight, charges, and exchange .....	49 17 2
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390 10 0

SAML. V. KEMP.  
28. 5. 72.

**1060.**

*Colonial Secretary's Office, 30th May, 1872.*

GENTLEMEN.

I HAVE the honor to acknowledge the receipt of your communication of the 28th instant, with its enclosures, conveying your views and unanimous recommendation on the appropriation of the remaining balance in the Treasury for the construction of the Launceston and Western Railway.

In reply, I beg to acquaint you that I concur in the disposition of the funds in question as recommended by you, and will be prepared, at the proper time, to submit the same for the approval of the Governor in Council.

I have, &c.,

(Signed) **J. M. WILSON.**

*The Commissioners of the Launceston and Western Railway.*

## 1061.

*Colonial Secretary's Office, 31st May, 1872.*

SIR,

ADVERTING to your letters named in the margin,\* urging that the sum of £750 should be appropriated out of construction funds in payment for certain duplicate machinery for engines imported from London, but unauthorised by the Governor in Council, I have now the honor to acquaint you that this application has received due consideration.

Mr. Commissioner Kemp drew my attention in his minute of the 15th ultimo, bearing on the question, that "there are land claims at Cameron's and at other places along the line yet to be adjusted for which no provision has been made, and which must come out of construction funds;" and, recurring to the very limited amount of funds under the control of the Executive, it became necessary that its apportionment should embrace legitimate claims for construction.

With a view to the reconsideration, by the Commissioners, of your application for £750, and also a sum of £100 for a retaining wall to Cameron's Cutting, referred to in your letters named in the margin,† I remitted to that Body, through the Honorable Mr. Innes, the whole of the papers bearing on the subject, with a request that outstanding claims should also be brought under their observation.

The Commissioners, in a communication addressed to me, under date the 28th instant, enunciated their views as to the appropriation of the balance of funds in the Treasury, in which I have concurred, and this correspondence will be laid before the Board of Directors.

I have &amp;c.,

(Signed) J. M. WILSON.

*The Secretary Launceston and Western Railway Company.*

## 1062.

SIR,

*Colonial Secretary's Office, 3rd June, 1872.*

I HAVE the honor to inform you that the Directors of the Launceston and Western Railway Company, having applied for the concurrence of the Governor in Council in the expenditure of the sum of £750 for Duplicates to Engines, received from London, out of the Construction Funds, and the Commissioners having recommended that a portion only of the sum above mentioned should be borne upon "Construction Funds," the balance being properly chargeable against "Revenue," the amount so recommended by the Commissioners, namely, £564 10s., has been authorised, and will be charged against "Construction Funds," on the understanding that the articles in question be brought under the provisions of Section 9, 30 Vict. No. 28.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*MR. JETTER'S REMARKS ON MR. KEMP'S STATEMENT WITH REGARD TO  
THE WORKING OF THE RAILWAY. Nos. 1063 AND 1064.

## 1063.

*Launceston and Western Railway Company, Limited  
Launceston, 21st February, 1872.*

MY DEAR SIR,

I TAKE the liberty to enclose for your perusal, with the request that you will kindly hand the same to the Hon. the Colonial Secretary, a letter I have addressed to him on the subject of Mr. Kemp's statements with regard to the working of the Launceston and Western Railway.

As I believe such *ad captandum* statements are calculated to deceive both the Government and the Company if relied upon, I have felt it my duty both to the Government, the Company, and myself to place on record my protest against them.

I have, &amp;c.,

(Signed) J. F. L. JETTER.

*The Hon. F. M. INNES, M.L.C.*

FORWARDED to the Colonial Secretary in compliance with Mr. Jetter's request.

F. M. INNES.

\* 15th April, 1872; 18th April, 1872; 25th April, 1872; 10th May, 1872. † 20th April, 1872; 10th May, 1872.

1064.

*Launceston and Western Railway Company,  
Launceston, 21st February, 1872.*

Sir,

THE publication of the Parliamentary Paper comprising the Railway Correspondence for 1871 puts me for the first time in possession of the contents of a letter by Mr. Kemp (No. 805, p. 157) suggesting a staff for the working of the Launceston and Western Railway.

Those portions of this letter which refer to the department under my more immediate direction I feel are a direct reflection upon myself and upon the manner in which I have discharged the duties of my office. Mr. Kemp has embraced the opportunity which his official position offered to repeat statements which he had in substance tendered to a Committee of Directors appointed to take evidence on the whole question of expenditure, (see pp. 138 Launceston and Western Railway Correspondence,) and which evidence it will be seen was opposed to that given by myself and other officers, and was not accepted by the said Committee, as is shown by their report (pp. 138), which report was subsequently adopted by the Board.

The only mode of defence, therefore, left me is to address you, a course which I would gladly have avoided had any other been open to me.

After the test of twelve months working, and the most careful study of economy in this department, I have no hesitation in saying that the staff in the Locomotive Department of this Railway instead of being too large is too small; and I feel bound on the eve of my departure from Tasmania to warn the Government, as well as the Directors of the Company, that it will be necessary, in view of the engine power which will be required in effecting repair to the line, rather to look for an increase than otherwise in the working staff.

The Company can, of course, run their rolling stock until it falls to pieces, or runs off the line, but I do not recommend any such course of false economy to be pursued.

My resignation will afford the Company the opportunity to test the feasibility of dispensing with a superintendent; and as the workshops have been erected, and the rolling stock constructed and mostly placed in working order, there may be less necessity for professional advice. The proposed working staff of Mr. Kemp's statement is, however, simply impracticable.

I may state for your information that in addition to ordinary traffic one of the engines has been working on the maintenance of the line no less than 24 days during the months of December and January, and is daily required at the present time, and likely to be for the next two or three months, if not throughout the winter. In the face of this fact, known to Mr. Kemp, he proposes to retain only two engine drivers and firemen for the whole work of ballasting and working three passenger trains up and three down daily!

Again, great economy could be effected in the tractive power and fuel required for working the Line, adding also to the life of the brasses and bearings of the rolling stock, but the full engagement of my staff on more pressing work has rendered this impossible.

It is a very simple matter for Mr. Kemp, upon whom no responsibility devolves, to set down a number of arbitrary figures; but I claim to have been quite as desirous of economy in the working of the Line as he is; at the same time I have had the responsibility of making that work safe. I may add that, having had some years personal experience in the working of Railways, which Mr. Kemp has not, I am not prepared to allow stock to remain neglected and unrepaired for the sake of a temporary economy; which, however popular for the moment, must result in future increased expenditure, and meantime very possibly in failure and accident.

My connection with Tasmania—and, at the same time, exposure to attacks of the nature in which Mr. Kemp is prone to indulge, will now cease; but I have felt that I could not, in justice to myself, permit his strictures to pass unnoticed.

I have, &c.,

(Signed) J. F. L. JETTER.

*The Hon. the Colonial Secretary, Hobart Town.*

RESIGNATION OF MR. JETTER, AND ARRANGEMENTS CONSEQUENT THEREON. Nos. 1065 to 1069.

1065.

*Launceston and Western Railway Company, Limited,  
Launceston, 12th March, 1872.*

SIR,

I AM instructed to inform you that the resignation of Mr. Jetter, who leaves for England next month, has enabled the Directors to re-arrange the staff, with a view to abolishing the office of Locomotive Superintendent and Traffic Manager, at a saving of £365 17s. 6d. per annum; and which, now that Mr. Jetter has completed the workshops, and otherwise assisted the Company towards future working, can be effected without disturbing the thorough working of each department. These arrangements involve additions to already existing salaries, which require the concurrence of His Excellency the Governor in Council, and which I beg respectfully to ask may be obtained.

The Accountant will take the duties of Traffic Superintendent in addition to his present duties, at an advance on his salary of £50 per annum.

The Audit Clerk will take part of the office work of the Accountant, at an advance of £25.

The Locomotive Foreman will have increased responsibilities, and it is proposed to add 2s. 6d. per diem to his present pay of 12s.

The Carriage Foreman and Inspector, the same, at an advance of 1s. 6d. on his present pay of 11s. per diem.

Mr. Jetter's salary is £500 per annum. The present additions, £134 2s. 6d.—saving £365 17s. 6d. per annum.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

1066.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 14th March, 1872.*

SIR,

At the weekly meeting of the Directory of the Launceston and Western Railway Company, held on the 12th instant, some matters were brought under consideration which I deem it but right that you should be advised of.

It was intimated that the Traffic and Locomotive Superintendent, Mr. Jetter, will give up his duties on the 1st proximo: and the Secretary brought up a report wherein he suggested, that consequent upon this there should be the following alterations:—Mr. Dowling to be General Manager and Secretary; Mr. Lord to be Traffic Superintendent as well as Accountant, at an increased salary of £50 per annum; and Mr. Johnstone, the Audit Clerk, to take a portion of the duties now performed by Mr. Lord, at an increased salary of £25 per annum; the workshops and locomotive department to be managed by a foreman, to be paid at an increased rate of 2s. 6d. per diem, *i.e.*, from 12s. to 14s. 6d.; the rolling stock and carriage department to be managed by another foreman at an increased pay of 1s. 6d. per diem, *i.e.*, from 11s. to 12s. 6d.

The recommended arrangements you will be pleased to note, to a marked extent, come up to those suggested by me months back, which, although pooh-poohed at the time, and deemed to be impracticable, even when the traffic was at its lowest, are now to be given effect to.—See Parliamentary Paper, No. 30, pages from 138 to 147 inclusive.

I transmit this through my Co-Commissioner, Mr. Innes, for his perusal, and to be afterwards forwarded to you.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

FORWARDED in compliance with Mr. Kemp's wish ; but I must, at the same time, renew the expression of my opinion that it will be found impracticable to carry on the Railway *without one officer of a professional character qualified to meet emergencies* that may any day occur. The arrangement now reported to the Government is a temporary make-shift to reduce immediate weekly expenses.

Mr. Kemp's proposals, to which he adverts, as I understood them, did not involve this objection, but professional service was only *kept out of sight*, merged in "maintenance," and consequently amounted to no saving in that respect. I prefer that details should be shown. I regard Mr. Jetter's retirement as a most serious loss.

F. M. INNES.

1067.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 21st March, 1872.*

SIR,

WHEN I addressed you on the 14th instant relative to the contemplated changes in the staff of the Launceston and Western Railway, consequent upon the resignation of Mr. Jetter, the Locomotive and Traffic Superintendent, I did not convey to you my own opinions upon the same, as I was under the impression that when the formal communication from the Directory was made to you, it would be either through the Commissioners, or would be sent to them for their remarks ; but as this has not been done, and lest you may conclude that my silence may be construed as approving of the changes, and as I see danger in them, I trust you will not consider it is obtrusive on my part if I make the following observations.

Mr. Lord was appointed to the office of Accountant some two years ago, at a salary of £250 per annum : it is due to that gentleman to add that he has hitherto performed his duties most satisfactorily ; while Mr. Johnstone, the Audit Clerk, whose work requires the greatest care, has more than sustained the reputation he was possessed of before he joined the Company.

The salaries now paid to these gentlemen are not disproportionate to the duties,—but in determining the proposed increase the earnings of the Line have to be considered ; nor will it be outside these remarks to observe that Mr. Tidy, the gentleman in charge of the permanent way—without exception the most useful and most necessary officer on the staff—possessed of specialities for his duties seldom to be found in the same person, is only paid a salary of £250 per annum ; that this sum is disproportionate to what it is understood he has been offered if he return to Victoria. I doubt, therefore, now that advances have been made to officers whose duties do not require such varied specialities, that the other, who has been so well appreciated elsewhere, will continue on his present pay ; such an event has to be considered, for—although a different opinion has apparently been formed in another quarter—I would view the withdrawal of Mr. Tidy as a loss so great as almost, to some extent, to be irreparable.

I cannot pretend to foresee the future ; but, with the present state of the finances, I submit that an economy should be observed, which might not be so necessary were there a certain marked profit in the working of the Line.

The Government are better able to determine whether the salaries now paid correspond with others under the control of the Executive.

It must be borne in mind that both Mr. Lord and Mr. Johnstone possess a knowledge of working of Railways, and of the traffic peculiar to this Line ; and it becomes a question also for consideration, whether men of the same qualifications can be found who would be willing to perform the same duties for the same rate of remuneration.

Mr. Dowling not having the slightest pretensions to knowledge in the management of Railways, saving that acquired in connection with this Line—and has consequently to defer to the advice of Messrs. Lord and Johnstone upon all traffic matters, and to Mr. Tidy upon matters appertaining to the permanent way and works—he is therefore, in my humble opinion, unfit to be General Manager.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

1068.

*Colonial Secretary's Office, 15th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 14th instant, having reference to the arrangements made by the Directors of the Launceston and Western Railway consequent upon the retirement of Mr. Jetter.

I am glad to find that the Board of Directors feel able to economise in the management of the Line by the adoption of suggestions made by you at an earlier date; but I trust that the proposed reductions will not involve any risk to the efficient working of the Railway, arising from the absence of the professional skill competent to meet and overcome unforeseen emergencies when such may occur.

I have, &amp;c.,

(Signed) J. M. WILSON.

S. V. KEMP, Esq., Launceston.

1069.

*Colonial Secretary's Office, 18th March, 1872.*

SIR,

I HAVE the honor to inform you that in consequence of the resignation of Mr. Jetter, Locomotive Superintendent and Traffic Manager upon the Launceston and Western Railway, the Governor in Council has been pleased, upon the proposal of the Directors, to sanction the following re-arrangement of the staff; viz.—

That the office of Locomotive Superintendent and Traffic Manager be abolished.

That the Accountant take the duties of Traffic Superintendent, in addition to his present duties, with an advance on his salary of Fifty pounds per annum.

That the Audit Clerk take part of the office work of the Accountant, with an advance on his salary of Twenty-five pounds per annum.

That in consideration of increased responsibilities being devolved upon the Locomotive Foreman, his pay be increased from Twelve shillings to Fourteen shillings and sixpence per diem; and that, for the same reason, the pay of the Carriage Foreman and Inspector be increased from Eleven shillings to Twelve shillings and sixpence per diem.

Mr. Jetter's salary amounts to Five hundred pounds per annum; the proposed additions, above mentioned, to One hundred and thirty-four pounds two shillings and sixpence: the result of the re-arrangement will, therefore, be a pecuniary saving of Three hundred and sixty-five pounds seventeen shillings and sixpence per annum.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

#### APPOINTMENT OF INSPECTING SURVEYOR. Nos. 1070 to 1072.

1070.

*Launceston and Western Railway Company (Limited),  
Launceston, 1st November, 1871.*

SIR,

It has become necessary that the Directors, in view of the required maintenance of the permanent way and works of this Line, should provide for the careful supervision of the same; and I am directed to ask that the Governor in Council will sanction the appointment of an officer who will be denominated the *Inspecting Surveyor*, but whose duties will be those of Resident Engineer, at the annual salary of £250. This application is made under the provisions of the Launceston and Western Railway Act, No. 5, sec. 14. The whole of the papers in reference to this appointment being with the Commissioners, I have ventured to presume you will not require copies from me.

Yours, &amp;c.,

(Signed)

H. DOWLING, Secretary.

*The Hon. the Colonial Secretary, Hobart Town.*



THE within application being founded upon the recommendation of the Committee upon Maintenance, to whom the report of the Company's Engineers thereon had been referred, in accordance with the suggestion of the Professional Commissioner, I beg to recommend such application for the concurrence of the Governor in Council.

THEODORE BARTLEY.  
6. 11. 71.

NOTHING has occurred to induce me to alter the opinion expressed in my letter to you of the 25th ultimo; but as a majority of the Board decided, upon the report of the Committee on Maintenance, that it is necessary to create a new office (Inspector of Permanent Way), I reluctantly yield to such majority, and beg to recommend that the wishes of the Directory may be acceded to. Still, at the same time, believing that the income of the Railway will not meet the outgoing expenditure by about £70 or £80 per week under its present management.

SAML. V. KEMP.  
6. 11. 71.

### 1071.

*Launceston and Western Railway Company, Limited,  
Launceston, 8th March, 1872.*

SIR,

I HAVE the honor to call your attention to the fact that on the 1st November last, and by telegram on the 18th December, I asked the concurrence of the Government in the appointment of an Inspecting Surveyor of Permanent Way, and in the election of Mr. Thomas Tidy to that post, at a salary of £250 per annum.

I have now further to remind you that though the office has been acquiesced in, I have not had a reply to my letter from your office; which, however, will be required for the Auditor, and I will thank you to furnish it.

Yours, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

### 1072.

*Colonial Secretary's Office, 11th March, 1872.*

SIR,

REFERRING to your letters of the 1st November, 1871, and the 8th instant, I have the honor to inform you that, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, the Governor in Council has been pleased to authorise the appointment of an officer to the Railway staff, to be denominated "Inspecting Surveyor," but whose duties will be those of Resident Engineer, at the annual salary of Two hundred and fifty pounds.

I have to express my regret that the concurrence of His Excellency in Council, in the appointment in question, was not communicated to you at an earlier date.

I have, &c.,

(Signed) J. M. WILSON

H. DOWLING, *Esq., Secretary.*

### PAYMENT OF WORKMEN EMPLOYED IN SETTING UP TOOLS FOR NEW WORKSHOPS. Nos. 1073 to 1075.

### 1073.

*Launceston and Western Railway Company, Limited,  
Launceston, 6th December, 1871.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in the expenditure of £128 13s. for the payment of workmen employed in setting up tools in the new workshops.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

I HAVE the honor to recommend the within application for an expenditure of £128 13s. for the payment of workmen employed in setting up tools in the new workshops for the concurrence of the Governor in Council.

THEODORE BARTLEY.  
6. 12. 71.

THE accompanying application, with recommendation of Mr. Bartley, has been accidentally mislaid. The amount is provided in the financial estimates in the hands of the Government, and is clearly a legitimate charge to capital.

F. M. INNES.  
4. 4. 72.

### 1074.

*Colonial Secretary's Office, 5th April, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 6th December last,—received here to-day,—with reference to the payment of One hundred and twenty-eight pounds and thirteen shillings for workmen employed in setting up tools in the new workshops, and to inform you that I approve of this expenditure, and that the sanction of the Governor in Council will be obtained at the next meeting of the Executive.

I may add that your letter was accidentally mislaid by Mr. Innes, for which that gentleman expresses his regret.

I have, &c.,

H. DOWLING, *Esq., Secretary.*

(Signed) J. M. WILSON.

### 1075.

*Colonial Secretary's Office, 8th April, 1872.*

SIR,

I HAVE the honor to acquaint you that the Governor in Council has been pleased to approve of the expenditure of the sum of £128 13s. for the payment of workmen employed in setting up tools in the new workshops.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

CLAIM PREFERRED BY CONTRACTORS FOR EXTRAS NOT ENTERTAINED.  
AND EXPENDITURE OF £59 FOR TOOLS REQUIRED FOR MAINTENANCE  
APPROVED. Nos. 1076 to 1079.

### 1076.

*Launceston and Western Railway Company, Limited,  
Launceston, 23rd January, 1872.*

SIR,

I HAVE the honor to inform you that I have received from the Contractors for the construction of this Line of Railway an unexpected demand for payment of extras as follows:—

Maintenance of sidings.....	£242	15	0
Extra excavation in slopes .....	3358	19	7
Interest on amounts which have been delayed payments beyond contract time .....	30	11	1
Sundries .....	181	6	10

This account, so far as the two principal items are concerned, it seems clear the Contractors cannot sustain. The Directors have referred the question to the solicitors; but in the meantime it appears to me to be my duty to place you in possession of the fact, upon which I will further address you as information arises.

The Engineers' Report on the question, and in which I fully agree, recommends that the demand of the two principal sums be determinedly resisted.

The £30 11s. 1½d., though an illiberal demand, under the circumstances, of the Contractors, arises from delays in the payments to them over which the Directors had no control,—delays for which, generally, no good reason could be given, and which greatly irritated the Contractors. A portion of the remaining demand, £181 6s. 10d., has been paid; and a portion of the remainder is not due and owing by the Company.

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

*The Hon. the Colonial Secretary.*

(Copy.)

REPORT FROM ENGINEERS ON THE CONTRACTORS' ACCOUNTS (EXTRAS).

January 22, 1872.

DEAR SIR,

WE are in receipt of Messrs. Overend & Robb's accounts, with your request to report on the same.

*Account for extra Excavation in Slopes.*

This is an account for removing slips in the slopes of cuttings after they had been altered from the original slopes specified to the various slopes ordered by us.

We have never given an order in writing for the works charged for, as required by Clause 5 of the General Conditions. We have always held the opinion that the Contractors should maintain these slopes, as specified in Clause 56 of the Specifications.

We may add that 9-10ths of the material taken out of these slips has been used to maintain the embankments at their full heights and widths; and this work the Contractors were bound to do under their original contract.—See Clause 61 of the Specification.

Under these circumstances, we feel ourselves justified in declining to certify to this account.

*Maintenance of Sidings.*

We do not understand on what grounds the Contractors make this claim. They tendered for the laying in of the sidings under Clause 6A of the General Conditions as an additional work; and consequently it became an item in the original contract, the maintenance of which is charged for in the price set opposite that item in the schedule.

*General Accounts.*

With the exception of St. Leonard's siding item, all those belonging to our department have been certified to long since. The charge made for the St. Leonard's siding is unreasonable. If the Board determine to have it left in, they should not pay more than £7 10s.; namely, the value of the sleepers.

We have, &c.,

DOYNE, MAJOR, & WILLETT.

H. DOWLING, *Esq.*

1077.

*Launceston and Western Railway Company, Limited,  
Launceston, 23rd February, 1872.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in the expenditure of £59, for tools required for maintenance.

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

*The Hon. the Colonial Secretary.*

THE authority herein asked for is to cover an admitted item in Messrs. Overend & Robb's claim upon the Company of extras, &c. amounting to £3813 12s. 6d. The Solicitors of the Company recommend that the amount herein asked for should be tendered in full of all demands, and if refused, to resist the claim to the utmost. We therefore recommend that authority be granted for the sum herein asked for, viz., £59. We attach the Secretary's letter to us, which serves to explain the items of account.

SAML. V. KEMP.

THEODORE BARTLEY.

4. 3. 72.

APPROVED,

J. M. WILSON.  
5th March, 1872.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 23rd February, 1872.*

GENTLEMEN,

THE enclosed application for the concurrence of the Governor in expenditure is to meet an account to Overend & Robb for wheelbarrows, planks, &c, purchased at very reasonable rates, and which demand has been submitted to and approved by the Board, as you are aware. I have written to the Solicitors to the Contractors, stating the willingness of the Directors to discharge this account, but their intention not to accept the demands for the larger items of their demand. It will therefore be desirable to tender the lesser amounts at once, if possible.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Commissioners, Launceston.*

## 1078.

*Colonial Secretary's Office, 5th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter under date the 23rd ultimo, and in reply to acquaint you I acquiesce in the expenditure of the sum of Fifty-nine pounds for tools required for maintenance, and that the Governor will be advised to confirm such approval at the next meeting of the Executive Council.

I have, &amp;c.,

(Signed) J. M. WILSON.

*H. DOWLING, Esq., Secretary.*

## 1079.

*Colonial Secretary's Office, 20th April, 1872.*

SIR,

IN reply to your letter, under date the 23rd February, I have the honor to acquaint you that the Governor in Council has been pleased to approve of the expenditure of the sum of £59 for tools required for maintenance.

I have, &amp;c.,

(Signed) J. M. WILSON.

*The Secretary Launceston and Western Railway Company.*

PROPOSED EXPENDITURE OF £100 ON THE CONSTRUCTION OF A STONE  
WALL IN No. 35 CUTTING NOT SANCTIONED. Nos. 1080 to 1082.

[For Reply see Letter No. 1061.]

## 1080.

*Launceston and Western Railway Company, Limited,  
Launceston, 26th April, 1872.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in expenditure of £100 on the construction of a stone wall in No. 35 Cutting, urgently recommended by Mr. Tidy, the Inspecting Surveyor; who is of opinion that it should have been included in the contract, or have formed an extra under the provisions of the contract, and that it is a work essentially necessary to be done at once.

Yours, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary, Hobart Town.*

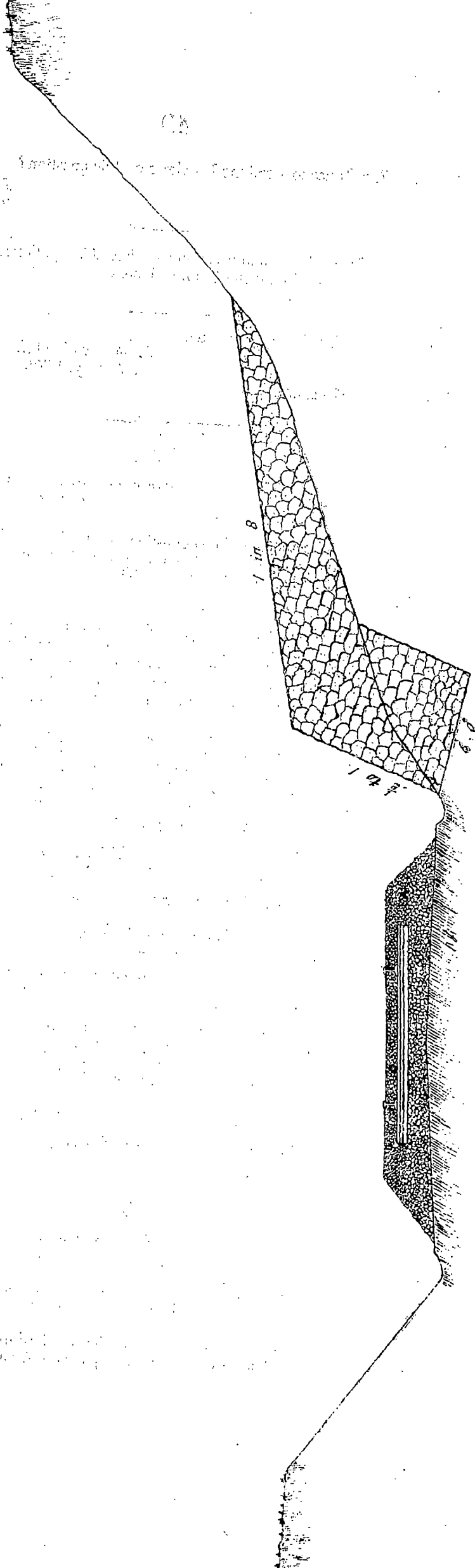
WE cannot consistently recommend that the expenditure herein asked for should be taken out of construction funds; it would form, in our opinion, a dangerous precedent—apart from which, we believe it should be strictly chargeable to revenue. The Line has been open for general traffic now over fourteen months, and the large sum of £6453 5s. 4d. has already been expended upon maintenance out of construction funds—which was included in Messrs. Overend and Robb's Contract.

SAML. V. KEMP.

R. C. GUNN.

26. 4. 72.

**PROPOSED DRY STONE WALL  
IN CUTTING NO. 35**



*Scale: 3/4 Inch to a Foot.*

WILL the Hon. Mr. Innes forward me his views on this question?

J. M. WILSON.  
29th April, 1872.

FROM what I have learned, I would recommend that this application from the Directory be referred back for reconsideration by all the Commissioners.

F. M. INNES.

REFERRED for reconsideration, as suggested.

J. M. WILSON.  
8th May, 1872.

The Hon. F. M. INNES, *Newlands.*

### 1081.

*Launceston and Western Railway Company, Limited,  
Launceston, 26th April, 1872.*

GENTLEMEN,

As instructed by the Directory, on the suggestion of Mr. Kemp, I have applied to Mr. Tidy, and obtained his report, having reference to 35 Cutting, for which he has asked an expenditure of £100; and it will be seen that he states he cannot advise its partial commencement at a cost of, say, £25 to £30.

I have therefore carried out the instructions of the Board, and have asked the concurrence of the Government in this expenditure being made from construction funds; and to this I most respectfully ask your recommendation. It is a work which clearly does not arise from ordinary wear and tear, but should have been done by the Contractors, on an order from the Engineers; but the latter officers did not accept this view of the case, and left it over, undone.

I am aware, from what Mr. Kemp said at the Board Meeting, that he holds this work to be a work of maintenance, and not of construction; but I most respectfully submit that it may be reasonably classed amongst the latter, and beg to urge this view upon the Commissioners. Indeed, I am bound to add, that from any other source but the construction funds the recommendation of Mr. Tidy, urgent as it is, cannot have the attention of the Directors. I quite agree with Mr. Tidy, however, as to the importance of the work being done.

Yours, &c.,  
(Signed) H. DOWLING, *Secretary.*

Enclosures—Diagram; Tidy's Report. To be returned.

*The Commissioners of the Launceston and Western Railway.*

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 25th April, 1872.*

DEAR SIR,

IN answer to yours of this date, suggesting an expenditure of £25 or £30 on the stone wall at 35 Cutting, I beg to inform you it is my firm opinion it would be so much money thrown away—unless this wall is carried to completion it would be useless to do anything with it; and I think the first estimate, viz., £100, quite little enough to make a firm and substantial job.

I remain, &c.,  
T. W. TIDY, *Inspecting Surveyor.*

*The Secretary of the Launceston and Western Railway Company.*

### 1082.

*Launceston and Western Railway Company, Limited,  
Launceston, 10th May, 1872.*

SIR,

I HAVE the honor most respectfully to urge upon your consideration the fact that letters of importance, as affecting the economical working of this Line of Railway, continue unanswered.

The urgency of the matters involved,—notably that of the duplicates of engines, and that of the wall at 35 Cutting,—you will, I am sure, accept as my excuse for again troubling you.

I am unaware under what circumstances these delays have taken place, especially whether they are indicative of final refusal ; but I beg again to assure you that the condition of some of the rolling stock is being injured, and the present cost of working being increased, by our workmen not having these duplicates, which are not obtainable here from any other source ; whilst the neglect of the work recommended by Mr. Tidy at No. 35 Cutting will necessarily involve the Company, or whoever may have the custody of the Line in future, in seriously increased expense.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

**BONUS TO MASTER OF *ARAUNAH* FOR LANDING ENGINES IN EXCELLENT CONDITION. Nos. 1083 AND 1084.**

**1083.**

*Launceston and Western Railway Company, Limited,  
Launceston, 5th February, 1872.*

SIR,

THE Directors, on the application of the master of the *Araunah*, now at this port, have voted a gratuity of 5 guineas to him, in consideration of his care in landing the Engines of the Company in excellent condition ; and I have to ask the concurrence of the Governor in Council in this expenditure.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

WE beg to recommend the within application for £5 for a gratuity be granted.

SAML. V. KEMP.

F. M. INNES.

7. 2. 72.

**1084.**

*Colonial Secretary's Office, 12th February, 1872.*

SIR,

I HAVE the honor to inform you that the Governor in Council has been pleased,—upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners,—to authorise the expenditure of the sum of Five pounds and five shillings as a gratuity to the captain of the *Araunah* for his care in landing the Engines of the Company in excellent condition.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

**STRENGTHENING TURNTABLES ; CONSTRUCTION OF A SIDING FOR LOADING LIME AT DELORAINE, &c., PAID FOR OUT OF SAVINGS EFFECTED ON CERTAIN ITEMS. Nos. 1085 to 1089.**

**1085.**

*Launceston and Western Railway Company, Limited,  
Launceston, 29th December, 1871.*

SIR,

I HAVE the honor to inform you that the Turntables procured from England under the authority of the Governor in Council, and which have now been erected on the works of the Company, have proved faulty, or rather not of sufficient strength for the Company's stock ; and I am instructed to ask that the Governor in Council may be moved to concur in an expenditure of not exceeding Fifty Pounds (£50) to enable the Locomotive Superintendent to render them effective.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

RECOMMENDED for the concurrence of the Governor in Council,—viz., £50—for strengthening two Turntables which upon erection were found insufficient in strength to carry the locomotives. A communication from the Directory has been sent to the Agents in London, advising them of such defects, with a view of ascertaining to whom the responsibility for the same attaches.

SAML. V. KEMP.  
THEODORE BARTLEY.  
2. 1. 72.

## 1086.

*Launceston and Western Railway Company, Limited,  
Launceston, 17th January, 1872.*

SIR,

I HAVE the honor to inform you that the Directors find it necessary to effect some additions to the Railway works not provided for in the recent finance statement, the amount of which may be taken from sums already concurred in by His Excellency the Governor.

I am therefore to request that the sum of £69 may be cancelled of the £200 concurred in for "carriage shed and siding at Deloraine," dated August 28th, 1871.

That the sum of £61 4s. may be cancelled of the £100 concurred in for "ramps along the line," dated August 28th, 1871.

That the sum of £74 may be cancelled of the £200 for "outside platform and roads at Launceston," dated August 28th, 1871.

And that His Excellency may be moved to concur in the following expenditure; namely,—

£69 for the construction of a siding for loading lime at Deloraine.

£11 4s. for blinding goods shed road at Westbury.

£50 for strengthening Turntables.

£24 for iron rack at Launceston workshops.

£50 additional for maintenance tools.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

THE Executive will perceive that no addition is asked for to money appropriations, but only a diversion in the details, without excess. We beg to recommend the application for concurrence.

F. M. INNES.  
SAML. V. KEMP.  
17. 1. 72.

## 1087.

BY ELECTRIC TELEGRAPH.

*Launceston, 18th January, 1872.*

APPLICATIONS forwarded by Commissioners yesterday; if you feel at liberty to approve at once, subject to submission to the Governor, you will facilitate the business involved therein.

H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

## 1088.

*Colonial Secretary's Office, 22nd January, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter dated January, 1872, and in reply to acquaint you that I acquiesce in the expenditure of the sum of Two hundred and four pounds four shillings for effecting certain additions to the Railway works therein specified, and that the Governor will be advised to confirm such approval at the next meeting of the Executive Council.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*



1089.

*Colonial Secretary's Office, 24th January, 1872.*

SIR,

REFERRING to my letter under date the 22nd instant, I have the honor to acquaint you that the Governor in Council has been pleased, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, to approve of the cancellation of the following sums ; namely,—

Sixty-nine pounds out of the Two hundred pounds authorised 28th August, 1871, for “ carriage shed and siding at Deloraine.”

Sixty-one pounds four shillings out of the One hundred pounds authorised 28th August, 1871, for “ ramps along the line.”

Seventy-four pounds out of the Two hundred pounds authorised 28th August, 1871, for “ outside platform and roads at Launceston.”

His Excellency has also approved of the following expenditure in lieu thereof ; namely,—

Sixty-nine pounds for the construction of a siding for loading lime at Deloraine.

Eleven pounds four shillings for blinding goods shed road at Westbury.

Fifty pounds for strengthening Turntables.

Twenty-four pounds for iron rack at Launceston workshops.

Fifty pounds additional for maintenance tools.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

ALTERATION OF 55 GOODS WAGONS, £188 3s. 6d., TO BE PAID FOR OUT OF AMOUNT AUTHORISED FOR CARRIAGE SHED AND SIDINGS AT LAUNCESTON. Nos. 1090 TO 1092.

1090.

*Launceston and Western Railway Company, Limited,  
Launceston, 2nd February, 1872.*

SIR,

I HAVE the honor to ask the concurrence of the Government in the expenditure of £188 3s. 6d. on account of expenses incurred in altering iron work of 55 goods wagons, £114 8s. 2d. of which the Company and Commissioners hope to recover from the Metropolitan Carriage and Wagon Company (Limited) of England, having so instructed the London agents of this Company by the last mail. Copies of correspondence annexed will advise you that the Directors have complained that their proper officer did not earlier make known this expenditure, which was first reported to the Board on the completion of the contract for setting up the woodwork of this stock ; but the work has been done, was necessary to be done, and must be paid. I propose asking that a portion of the sum concurred in for “ carriage shed and sidings ” at Launceston be devoted to this expenditure, and as the account has stood over for some time I shall be glad if you can give this application early attention.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

(Copy.)

*Launceston, 18th January, 1872.*

DEAR SIR,

IN the final settlement with Messrs. Waugh and Lockie they have handed me the enclosed account, amounting to £192 11s. 6d., comprising extra work on rolling stock in £114 8s. 2d. required on the iron work for goods stock, in consequence of many of the holes in the iron work being too small for the bolts : four angle knees had to be altered in each wagon, and a number of bolts, screws, &c. were wanting. The remaining items are of work that has been executed immediately before and after the opening of the Line for traffic.

I have, &c.,

(Signed) J. F. L. JETTER.

*The Secretary.*

DEAR SIR,

Launceston, 23rd January, 1872.

ON presenting your Report on the account for extras, Waugh and Lockie, the following resolution was proposed to the Board and adopted; namely:—

“That Waugh and Lockie’s account be referred to Mr. Jetter with the request that he will particularise the items authorised by the Board and those for which no authority exists, and the course adopted (if any) to bring under the notice of the Board the necessity for the additional cost incurred in such alterations.”

To this resolution I beg to call your attention with the view of the particulars asked for being supplied by next Board day.

Mr. JETTER.

I have, &amp;c.,

(Signed) H. DOWLING.

DEAR SIR,

25th January, 1872.

IN reply to your favour of the 23rd instant, enclosing the request that I should particularise the items of Waugh and Lockie’s account authorised by the Board, and those for which no authority exists, I beg to say that I received instructions to carry out the following, namely—Fitting up two timber trucks, £20; ditto two third class, £9; ditto one truck for opening, £2 11s. The additional pair timber trucks were prepared for carrying telegraph poles at the urgent request of the Engineers, and they have since been very useful for the carriage of timber. The extra stalls were introduced into the horse boxes after the construction had been commenced, when it was found practicable to accommodate three instead of two horses in each box. The authority of the Board not being first obtained for these items and the extra work on goods wagons was an omission. I did not suppose the Board would consider it of serious importance. It is not usual on Railways for Superintendents to trouble their Directors for authority to carry out small matters of this kind.

The Secretary.

I have, &amp;c.,

(Signed) J. F. L. JETTER.

SIR,

Launceston and Western Railway Company, Limited,  
Launceston, 2nd February, 1872.

REFERRING you to my letter of this date *re* expenditure on iron work of wagons, I have the honor to request that the sum of One hundred and eighty-eight pounds three and sixpence (£188 3s. 6d.) may be cancelled of the £200 concurred in for “carriage shed and sidings” at Launceston, dated 28th August, 1871.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

The Hon. the Colonial Secretary, Hobart Town.

THE outlay was unavoidable, and is covered by the amounts which it is proposed to cancel.

F. M. INNES.

SAML. V. KEMP.

5. 2. 72.

APPROVED.

For the Colonial Secretary, (absent),

THOS. D. CHAPMAN.

6 Feb. '72.

## LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED,

Dr. to MESSRS. WAUGH AND LOCKIE, Launceston.

1871.	£	s.	d.
Dec. 31. To extra labour on 55 Wagons, including buffer blocks, cutting and drilling angle knees, drilling draw plate, washers and hinges, at £1 18s. per truck	104	10	0
200 6-in. bolts, 140 lbs., at 7d. ....	4	1	8
200 3½-in. bolts, 90 lbs., at 7d. ....	2	12	6
16 gross screws, at 4s. ....	3	4	0
Fitting up two timber trucks with bolsters, stanchions and chains. ....	20	0	0
Ditto two for carrying Telegraph poles. ....	25	0	0
Fitting up two third-class carriages with seats, at £4 10s. each ....	9	0	0
Two extra stalls for horse-boxes with hinges, padding, &c., at £8 15s. ....	17	10	0
Fitting up a truck with awning for opening day. ....	2	11	0
Repairing fence and fixing buffer stops, Launceston yard ....	2	10	0
Four grease boxes, 8s.; 1 ladder, £1 ....	1	8	0
Making woodwork for a trolley ....	3	0	0
	195	7	2
By Cash .....	2	15	8
TOTAL .....	£192	11	6

## MESSRS. WAUGH AND LOCKIE'S CONTRACT.

THE actual amount is—	£	s.	d.
On 55 Wagons .....	1347	10	0
Alteration of Stock .....	562	4	4
	1909	14	4
	2	15	8
They have been paid £1912 10s.	£1912	10	0
Amount over paid £2 15s. 8d.			

J. F. L. J.

## 1091.

*Colonial Secretary's Office, 6th February, 1872.*

SIR,

IN reply to your letter of the 2nd instant, I have the honor to acquaint you that the Government approve of the cancellation of the sum of One hundred and eighty-eight pounds three shillings and sixpence out of the Two hundred pounds concurred in for carriage-shed and sidings at Launceston, and of the same being expended in altering iron-work of 55 goods wagons, and that His Excellency will be advised to confirm this approval at the next meeting of the Executive.

I have, &amp;c.,

(Signed) T. D. CHAPMAN,  
(for the Colonial Secretary, absent).

H. DOWLING, Esq., Secretary.

## 1092.

*Colonial Secretary's Office, 12th February, 1872.*

SIR,

I HAVE the honor to acquaint you that the Governor in Council has been pleased to approve of the expenditure of the sum of One hundred and eighty-eight pounds three shillings and sixpence for altering iron-work of 55 goods wagons, and of a similar amount being cancelled out of the Two hundred pounds authorised for carriage-shed and siding at Launceston. Authority dated 28th August, 1871.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

CONSTRUCTION OF FARMERS' SIDING AT OAKS STATION PAID FOR OUT OF SUM AUTHORISED FOR CARRIAGE-SHED AND SIDING AT DELO-RAINE. Nos. 1093 AND 1094.

## 1093.

*Launceston and Western Railway Company, Limited,  
Launceston, 20th February, 1872.*

SIR,

I HAVE the honor to request that the further sum of £77 may be cancelled of the £131 remaining out of the £200 concurred in for carriage-shed and siding at Deloraine, dated August 28, 1871, and that the Governor in Council will be pleased to concur in the said sum of £77 being spent in constructing a farmer's siding at the Oaks Station.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

*The Hon. the Colonial Secretary, Hobart Town.*

RECOMMENDED for the concurrence of the Governor in Council; viz.,—the expenditure of £77 for the Oaks siding to be paid for out of the authority of £200 for the Deloraine Works already sanctioned but not carried out.

SAML. V. KEMP.

21. 2. 72.

THEODORE BARTLEY.

26. 2. 72.

## 1094.

SIR,

*Colonial Secretary's Office, 4th March, 1872.*

IN reply to your letter under date the 20th ultimo, I have the honor to acquaint you that the Governor in Council has been pleased to approve of the cancellation of the sum of Seventy-seven Pounds of the One hundred and thirty-one Pounds remaining out of the sum of Two hundred Pounds authorised for carriage-shed and sidings at Deloraine, out of the expenditure of the said sum of Seventy-seven Pounds in the construction of a farmers' siding at the Oaks Station.

I have &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

FELLING TREES, AND ENGINEERS' INSPECTION OF MAINTENANCE. Nos.  
1095. to 1097.

## 1095.

*Launceston and Western Railway Company, Limited,  
Launceston, 15th February, 1872.*

SIR,

I HAVE the honor to request the concurrence of His Excellency the Governor in Council to an expenditure of a further sum of £2 (Two Pounds), for felling and removing trees, necessary for safety of the Line.

I have, &amp;c.,

(Signed) H. DOWLING *Secretary.**The Hon. the Colonial Secretary, Hobart Town.*

RECOMMENDED for the concurrence of the Governor in Council; viz. £2 (Two Pounds), for felling trees in close proximity to the Line.

SAML. V. KEMP.

21. 2. 72.

THEODORE BARTLEY.

26. 2. 72.

## 1096.

*Launceston and Western Railway Company, Limited,  
Launceston, 20th February, 1872.*

SIR,

THE final payment of £150 for inspection of maintenance, under Mr. Doyne's Contract, is now due, and I have to ask the concurrence of the Governor in Council in this payment.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary, Hobart Town.*

RECOMMENDED for the concurrence of the Governor in Council; viz. £150, being the final payment of Engineers' supervision of maintenance of the Line.

SAML. V. KEMP.

21. 2. 72.

THEODORE BARTLEY.

26. 2. 72.

## 1097.

*Colonial Secretary's Office, 4th March, 1872.*

SIR,

IN reply to your letters under date the 15th and 20th ultimo, I have the honor to acquaint you that the Governor in Council has been pleased to approve of the following expenditure, namely,—

Two Pounds for felling and removing trees, necessary for the safety of the Line.

One hundred and fifty Pounds, being the final payment for Engineers' inspection and supervision of maintenance of the Line.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

PAYMENT FOR LAND PURCHASED FROM CHURCH OF ENGLAND; MR.  
HARDWICKE AND MR. WESTON. Nos. 1098 to 1102.

## 1098.

*Launceston and Western Railway Company, Limited*  
*Launceston, 11th March, 1872.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in expenditure of £155 for land taken for the purposes of this Railway from the Trustees of the Church of England, Launceston.

I have, &amp;c.,

(Signed)

H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

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## 1099.

*Launceston and Western Railway Company, Limited,*  
*Launceston, 11th March, 1872.*

SIR,

I HAVE the honor to ask that you will cancel £100 of the sum of £365, concurred in for Longford extension, August 28, 1871, as this sum will not be required on that account, and have to ask that the concurrence of the Governor in Council may be given to the expenditure of £16 19s., account land compensation to Mr. Hardwicke at St. Leonards.

I have, &amp;c.,

(Signed)

H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

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## 1100.

*Launceston and Western Railway Company, Limited,*  
*Launceston, 11th March, 1872.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in the expenditure of £165 5s., cost of land taken by the Company for the Railway from Mr. Weston.

I have, &amp;c.,

(Signed)

H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

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## 1101.

## MEMORANDUM.

THE Financial Statement asked for by you in your letter of the 11th instant to the Secretary of the Launceston and Western Railway Company has only just reached us.

Relying upon the correctness of such statement, we beg to recommend the following authorities as asked for in the accompanying applications for the concurrence of the Governor in Council; viz.—

£165 5s. for land purchased from Mr. Weston.

£16 19s. for land purchased from Mr. Hardwicke.

£155 for land purchased from Trustees Church of England.

The delay in not seeking the authority of the Governor in Council for the expenditure of these amounts at an earlier period has arisen from the fact that such amounts have only recently been determined upon by arbitration.

You will be pleased to note that these sums are provided for in the financial statement referred to, consequently the balance as shown unexpended will remain the same after these applications have been concurred in and the amount asked for expended.

SAML. V. KEMP.

THEODORE BARTLEY.

15. 3. 72.

*The Hon. the Colonial Secretary.*

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## 1102.

*Colonial Secretary's Office, 18th March, 1872.*

SIR,

I HAVE the honor to inform you that, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, the Governor in Council has been pleased to authorise the following expenditure ; viz.—

One hundred and sixty-five pounds and five shillings for land purchased from Mr. Weston.

One hundred and fifty-five pounds for land purchased from the Trustees of the Church of England ; and,—

That One hundred pounds be cancelled of the sum of Three hundred and sixty-five pounds approved for Longford Extension—August 28th, 1871,—and that out of such One hundred pounds the sum of Sixteen pounds nineteen shillings be authorised on account of land compensation to Mr. Hardwicke at St. Leonards.

I have, &amp;c.,

H. DOWLING, *Esq.*, Secretary.

(Signed) J. M. WILSON.

COMPLETION OF PASSENGERS' PLATFORM AT DELORAINE; WAGGON SHEETS ; AND CONSTRUCTION OF TIMBER OPENINGS ON MR. E. WESTON'S ESTATE. Nos. 1103 to 1105.

## 1103.

*Launceston and Western Railway Company, Limited,  
Launceston, 18th April, 1872.*

SIR,

I HAVE the honor to apply for the concurrence of the Governor in Council in the expenditure of £25 for completing the passengers' platform at Deloraine ; and the sum of £90 for 24 waggon sheets for the new waggons built by Waugh and Lockie ; both sums out of the balance in the hands of Colonial Treasurer.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

RECOMMENDED for the concurrence of the Governor in Council ; viz.—£25 for cementing over the floor of the passengers' platform at Deloraine, and £90 for two dozen of tarpaulins for the new waggons built in the Colony. I beg to advise that neither of these items appear in the financial statement forwarded to the Government on the 12th ultimo, and they will have to be covered out of the balance now in the hands of the Hon. the Colonial Treasurer.

SAML. V. KEMP.

20. 4. 72.

F. M. INNES.

## 1104.

*Launceston and Western Railway Company, Limited,  
Launceston, 10th May, 1872.*

SIR,

I HAVE the honor to request that the Governor in Council will concur in the expenditure of £74 in the construction of two timber openings on the estate of Mr. E. Weston, as directed by the referee to whom the question of Mr. Weston's claim for land and compensation was submitted.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

RECOMMENDED for the concurrence of the Governor in Council ; and, at the same time, beg to advise that the authority herein sought, viz. £74 for the construction of two wooden culverts across the Line, to drain the adjoining land of Mr. Weston, is provided for in the financial statement dated 12th March last, a copy of which was forwarded to you at the time.

SAML. V. KEMP.

R. C. GUNN.

11. 5. 72.

## 1105.

*Colonial Secretary's Office, 15th May, 1872.*

SIR,

I HAVE the honor to inform you that the Governor in Council has been pleased, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, to approve of the following expenditure; namely,—

£25 for the completion of the passengers' platform at Deloraine.

£90 for twenty-four waggon sheets for the new waggons built in the Colony.

£74 for the construction of two timber openings on the estate of Mr. E. Weston.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary*.

CONSTRUCTION OF ROAD ALONGSIDE FIREWOOD AND SAWN TIMBER  
SIDING AT LAUNCESTON. Nos. 1106 AND 1107.

## 1106.

*Launceston and Western Railway Company, Limited,  
Launceston, 30th April, 1872.*

SIR,

I HAVE the honor to ask that the concurrence of His Excellency the Governor may be given in the expenditure of a sum of money, not exceeding £40, for the construction of a road alongside the firewood and sawn timber siding in the Launceston station.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*(Signed) H. DOWLING, *Secretary*.

WE recommend for the concurrence of the Governor in Council the within application to expend the sum of £40 upon the construction of an approach road in the Launceston Station yard; at the same time we beg to advise that the amount now sought will have to be covered out of the balance now in the hands of the Colonial Treasurer, as no provision was made for this expenditure in the financial statement of the 12th March last, a copy of which was forwarded to you at the time.

SAML. V. KEMP.

R. C. GUNN.

1. 5. 72.

## 1107.

*Colonial Secretary's Office, 15th May, 1872.*

SIR,

I HAVE the honor to inform you that the Governor in Council has been pleased, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, to approve of the expenditure of a sum not exceeding £40 for the construction of a road alongside firewood and sawn timber sidings in the Launceston Station.

I have, &amp;c.,

H. DOWLING, *Esq.*, *Secretary*.

(Signed) J. M. WILSON.

CONSTRUCTION OF ROAD TO LIME SIDING AT DELORAINE, AND GOODS  
SHED AT EVANDALE. Nos. 1108 AND 1109.

## 1108.

*Launceston and Western Railway Company, Limited,  
Launceston, 26th April, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday, with reference to the concurrence in your letter of the 20th instant, and beg to reply that on further reference I find that the sum of £54 only remained unappropriated of the sum of "£200 carriage shed and siding at Deloraine," and not £70 17s. 11d. as inserted in the statement of 12th March, from which I took my figures. I have therefore to ask that the error may be corrected by my being now permitted to request that £54 may be cancelled under that head, and the sum of £11 16s. 6d. under the head of "Launceston carriage shed and sidings," and that His Excellency's approval may be asked to the

expenditure of £35 4s. on road to lime siding at Deloraine; and of £30 12s. 6d. for the approach road to goods shed at Evandale, instead of £33 14s. 2d. cancelled of the authority of the 20th instant; and the difference, amounting to £3 1s. 8d., must be charged to our revenue.

The sum of £11 16s. 6d. referred to I find in the statement of the 12th March, and it arises out of the following: £200 originally put down for carriage shed and sidings at Launceston; £188 3s. 6d. cancelled on the 6th February—£11 16s. 6d.

I have, &c.,

*The Hon. the Colonial Secretary.*

(Signed) H. DOWLING, *Secretary.*

WE recommend for the concurrence of the Governor in Council the within application to expend the sum of £35 4s. on road to lime siding at Deloraine; and £30 12s. 6d. for approach road to goods shed at Evandale, as described herein. This application forms a reply to your minute of the 25th inst., made on a former application of the 9th instant.

SAML. V. KEMP.

R. C. GUNN.

26. 4. 72.

### 1109.

SIR,

*Colonial Secretary's Office, 15th May, 1872.*

I HAVE the honor to inform you that the Governor in Council has been pleased, upon the application of the Directors of the Launceston and Western Railway Company, and with the recommendation of the Commissioners, to approve of the sum of £54 being cancelled of the sum of £200 authorised for "carriage shed and siding at Deloraine," and also the sum of £11 16s. 6d. of the sum of £200 authorised for "carriage shed and sidings at Launceston."

His Excellency in Council has authorised the following expenditure; namely,—

£35 4s. on road to lime siding at Deloraine.

£30 12s. 6d. for the approach road to goods shed at Evandale.

I have, &c.,

H. DOWLING, *Esq., Secretary.*

(Signed) J. M. WILSON.

### COMPLETION OF ROAD FROM BACK OF STATION BUILDINGS TO CHURCH-STREET, DELORAINE. Nos. 1110 to 1112.

### 1110.

*Launceston and Western Railway Company, Limited,  
Launceston, 16th May, 1872.*

SIR,

I HAVE the honor to ask concurrence of the Governor in Council in expenditure of £78 on the completion of a road in the Deloraine Station, from the back of the Station buildings to Church-street, Deloraine.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary, Hobart Town.*

BEFORE entertaining this application we requested the Secretary of the Company to furnish us with a detailed statement showing the balance to our credit in the hands of the Hon. the Colonial Treasurer. We have this day received a reply. Relying upon the correctness of the figures contained in such statement, we beg to recommend for the concurrence of the Governor in Council the within-named application to expend the sum of £78 to complete the approach road to the Station at Deloraine.

SAML. V. KEMP.

R. C. GUNN.

23. 5. 72.

AFTER conferring with Messrs. Gunn and Kemp I concur.

F. M. INNES.

APPROVED.

J. M. WILSON.

28 May, 1872.



1111.

*Colonial Secretary's Office, 27th May, 1872.*

SIR,

IN reply to your letter of the 16th instant, I have the honor to acquaint you that I acquiesce in the expenditure of the sum of Seventy-eight pounds to complete the approach road to the Deloraine Station, and that His Excellency will be advised to confirm such approval at the next meeting of the Executive Council.

H. DOWLING, *Esq.*, *Secretary.*

I have, &amp;c.,

(Signed)

J. M. WILSON.

1112.

*Colonial Secretary's Office, 17th June, 1872.*

SIR,

REFERRING to my letter of the 27th ultimo I have the honor to acquaint you that the Governor in Council has been pleased to approve of the expenditure of the sum of £78 to complete the approach road to the Deloraine Station.

H. DOWLING, *Esq.*, *Secretary.*

I have, &amp;c.,

(Signed)

J. M. WILSON.

## RE-VALUATION OF RAILWAY DISTRICT. Nos. 1113 to 1117.

1113.

## CASE FOR THE OPINION OF THE LAW OFFICERS OF THE CROWN.

*The Commissioners.*

By the Launceston and Western Railway Act, 29th Victoria, No. 24, the "Railway Rate" is declared to be payable (Section 69) "by the then respective owners and occupiers of *all* assessed lands within the district according to the annual value of such lands as ascertained and determined by the Valuation Roll for the time being in force for the district, altered as hereinafter provided."

By Section 70, same Act, "Before any such Rate shall be made or levied the Governor shall appoint a Commissioner or Commissioners who shall, for the purposes of this Act, re-value by a fair valuation with reference to the Railway accommodation *the several* properties then described in the Valuation Roll for the time being."

Commissioners duly appointed to that end have compiled a Valuation Roll, and submitted the same to the Court of Appeal constituted and empowered by Sections 7 to 17 inclusive of the 35th Victoria, No. 9.

But in the Roll thus submitted to the Court of Appeal certain properties are omitted from the re-valuation on the assumption that, although situated within the Railway District, they are not valuable "with reference to the Railway accommodation."

The opinion of the Law Officers is desired as to whether—

1. The Commissioners were required by law to re-value and include in the Valuation Roll "all assessed lands" and "*the several properties*" comprised within the Railway District?
2. The omission of certain properties from re-valuation in the Valuation Roll constitutes such a non-compliance with the law as to invalidate the Commissioners' Roll, and render it something that is "*not a Valuation Roll within the meaning of the Launceston and Western Railway Acts?*"
3. Can the Roll so compiled be treated as a nullity in law notwithstanding its submission and rejection by the Court of Appeal?
4. Has the 19th Section, 35th Victoria, No. 9, any application to this state of things?

*The Court of Appeal.*

The Court of Appeal constituted and empowered by the 35th Victoria, No. 9, Section 7 to 17, has refused to entertain the Roll submitted by the Commissioners on the ground that, in consequence of the omission of certain properties in the Railway Districts from re-valuation, *the Roll is not a Valuation Roll within the meaning of "The Launceston and Western Railway Acts."*

The opinion of the Law Officers of the Crown is desired as to whether—

1. Was the Court of Appeal competent to entertain and decide upon the legality or validity of the Roll?
2. Was the Court at liberty to decline, on any grounds, to hear and determine all appeals and complaints against the Roll?
3. Was the omission of certain properties from valuation, by the Commissioners, such a "mistake" as the Court was empowered and required to "correct," or such an "omission" as the Court was empowered and required to "supply," by Section 14 of the 35th Victoria, No. 9?
4. The Court of Appeal having adjourned *sine die*, and the time for the assembling of such Court as prescribed by Section 7 of the last quoted Act having expired, can the Court be re-assembled by the issue of a fresh notice, by the Commissioners, under the same Section?
5. Would "Mandamus" compel "*the Justices resident in the District, not being Shareholders*," (Section 8, 35 Victoria, No. 9,) to hear and determine appeals against the Valuation Roll, irrespectively of any alleged inaccuracy or informality, "mistake," or "omission" apparent on the face of the Roll?
6. Does the action thus taken by the Court of Appeal fall within the category of "any matter or thing not completed within the time prescribed," in which case, under the 19th Section 35 Vict. No. 9, "the Governor in Council may extend the time for completing the same?"

J. M. WILSON.

Colonial Secretary's Office, 27th February, 1872.

#### 1114.

SIR,

Launceston, 29th February, 1872.

WE have the honor to forward for the information of the Government the following Report:—

1. That immediately upon our appointment as "Commissioners under the 70th Section of the Launceston and Western Railway Act, for the purpose of re-valuing the several properties within the Railway District," we proceeded to do so, as we submit, in strict compliance with the intents and meaning of the said Act.

2. We re-valued every property in the said District solely with reference to the Railway accommodation afforded to each such property respectively, as directed by the said 70th Section of the said Act; such Railway accommodation being clearly defined by the Launceston and Western Railway Act, No. 6, "as the benefit each such property has received or which it may be reasonably expected to receive from the construction of the said Railway."

3. In making such re-valuation we were governed by the following general principles, as agreed upon by all the Commissioners, after much careful deliberation:—

1st. We adopted as the basis of such re-valuation the Assessment Rolls for the several Municipalities and that for the Police District of Selby comprised in the Railway District,—the said Assessment Rolls having been made in such Municipalities by representatives elected by the ratepayers, and in the Police District of Selby by the constituted authorities, with reference to police and road rates and for all general purposes, the advantages and disadvantages attaching to each property assessed as to soil, locality, distance from the various townships, roads, &c., having formed the elements of the annual or rateable values set forth in such Assessment Rolls.

2dly. That as it had been invariably alleged by a large majority of the inhabitants of Launceston and Deloraine, and was also generally conceded, that they would derive the largest share of any benefit which might be reasonably expected to arise from the Railway, the Commissioners unanimously entertaining the same opinion, and guided by the principles referred to as determining the annual or rateable values upon the said Assessment Rolls, adopted, with a few exceptions as to some properties situate in the more remote portions of Launceston, the valuations in such Assessment Rolls as the maximum values upon which any Railway rate would be payable.

4. That having so determined upon such "maximum values" at Launceston and Deloraine, we proceeded "to shade off," or reduce by tenths, the rateable value of every property in the other parts of the Railway District, as in our judgment, founded upon local and general knowledge, every such property might be comparatively benefited, or might be reasonably expected to be benefited by the Railway; and all such properties as, in our judgment, could in no way be benefited by the Railway, including many which have been actually reduced in value by it, we re-valued and set forth in the Valuation Roll at "Nil."

5. That in so returning the rateable value of all such properties at "Nil," we were influenced by the clear conviction that we could not conscientiously affix any rateable value to any property which in our judgment had not received, and could not be reasonably expected to receive, any benefit from the construction of the said Railway.

6. That in so valuing every property in the Railway District upon the principles we have indicated, and more especially in re-valuing and in returning in our Valuation Roll certain properties at "Nil," we unconsciously adopted the precise course which the promoters of the Railway, by whose legal adviser the said Railway Act was drawn, distinctly assured the ratepayers of the Railway District, immediately after the passing of the said Act, and previously to such ratepayers voting upon the Railway guarantee, would be pursued in the re-valuation of all properties in the Railway District. Such distinct assurance is contained in a publication entitled *The Railway Banner*, of date 27th October, 1865, published and circulated in the Railway District under the authority of the promoters of the Railway and "The Railway League," and which assurance, we have good reason to believe, influenced many property holders when the poll was taken upon the Railway guarantee.

Such assurance is contained in the following article which we have extracted from such publication, and here furnish a printed copy of such extract, and also annex a copy of *The Railway Banner* of the 27th October, 1865, containing such article, and also a notice that *The Railway Banner* is forwarded to every landholder in the Railway District."

#### RE-VALUATION OF RAILWAY DISTRICT.

"Our old and respected fellow-colonist, Mr. Pitcher, as well, we believe, as some others, have been led into antagonism with the railway promoters, principally on the ground that the operations of the railway will not only not directly benefit their properties, but rather tend to their injury. Mr. Pitcher admits that individuals must yield to the progressive necessities of the majority of their fellow-citizens; but objects that wherever, as in his case, the accommodation the railway affords cannot be made available, the property should be exempted from the possibility of a rate. The 70th clause of the Railway Bill fully provides for the relief of all such cases. It enacts—'Before any such rate shall be made or levied, the Governor shall appoint a Commissioner or Commissioners, who shall, for the purposes of this Act, re-value, by a fair valuation with reference to the railway accommodation, the several properties within the said district then described in the valuation roll for the time being.' The following sections provide for appeals against the re-valuation; so that most ample protection will be afforded under the Railway Bill to all proprietors of land whose properties may be too remote, or otherwise situated, as to prevent the occupier enjoying the full advantages the railway is intended to give. This provision is founded on the principle of the Irish Act referred to in our last number, and in practice will be found effectually to relieve properties situate as Mr. Pitcher's, and at Carrick, Hagley (Hadsen?), and other places remote from the railway, but within the district. The operation of this section of the Act, it appears to us, will be most simple. The Commissioner has only to take the valuation roll in his hand, and examine into the merits of such a case as that of Mr. Pitcher's, and reduce the assessed value to the smallest possible amount, and, if necessary, nil, instead of the ordinary value placed on the same property for general purposes; of course increasing the value of properties having the railway accommodation, so as to make up the total amount of the district assessment. By this attention to the provisions of the Railway Bill, the burden, should it ever arise (which the reader must ever remember we deny), will fall equitably upon those persons to whom the railway is accessible, and relieve remote proprietors."

#### NOTICE.

*The Railway Banner* is posted in Launceston on the Friday evening in each week to every Freeholder in the District. Any person not having received the paper, will please apply to the Post Office, or copies may be had from the Agents.

7. Having completed such re-valuation, and complied with the requirements of the Railway Acts as to the publication of the Valuation Roll, the notice for appeals, and the disposal of the complaints made to the Commissioners, we, as directed by the 11th Section of the Railway Act No. 6, attended as "The Commissioners" the Court of Appeals held, pursuant to due notice as required by the said Act, on the 16th instant, when the following resolution was carried by a majority of the Magistrates composing such Court of Appeals, in direct opposition to the "ruling" of the Chairman:—

"That the Roll before this Court, and termed 'The Valuation Roll of the Railway District,' is not a Valuation Roll within the intent and meaning of the Acts of Parliament regulating the same, and therefore this Court cannot entertain the same."

A motion to adjourn the Court to some future day was negatived.

We have the honor to be,

Sir,

Your obedient Servants,

FRED<sup>K</sup>. M. INNES.

THEODORE BARTLEY.

R. M. AYRE.

GEORGE GIBSON.

RONALD C. GUNN.

*The Hon. the Colonial Secretary.*

## SPECIAL GENERAL SESSIONS APPEAL COURT.

THURSDAY, 15TH FEBRUARY, 1872, 11 A.M.

PRESENT—J. Whitefoord, (Chairman); Barrett, A.; Bennett, H.; Buesnel, C.; Aikenhead, J.; Ralston, J.; Milligan, A. M.; Mason, Thomas; Lette, H. E.; Parker, T. T.; Cox, Jas.; Flexman, H. T.; Hawkes, W. K.; Arthur, Charles; Toosey, J. D., Jun.; Archer, W. H. D.; Dumaresq, E.; Archer, T. C.; Scott, James; Ritchie, Jas.; M'Kinnon, A.; and the following Commissioners appointed under the 29th Vict. No. 24, Sec. 70:—F. M. Innes, T. B. Bartley, R. C. Gunn, R. M. Ayre, G. Gibson.

Counsel for Commissioners—The Solicitor-General.

For various appellants—Messrs. Grubb Sen., Rocher Sen., Douglas, Campion, and Green.

The following Resolution was moved by Mr. Lette, and seconded by Mr. Toosey:—

“That the Roll now before the Court, and termed ‘The Valuation Roll of the Railway District,’ is not a Valuation Roll within the intent and meaning of the Acts of Parliament regulating the same, and therefore this Court cannot entertain the same.”

*For the Resolution—17.*

Aikenhead.  
Archer, W. H. D.  
Archer, T. C.  
Arthur.  
Barrett.  
Bennett.  
Cox.  
Dumaresq.  
Hawkes.  
Flexman.  
Lette.  
Milligan.  
Parker.  
Ralston.  
Ritchie.  
Scott, Jas.  
Toosey.

*Against—2.*

Buesnel.  
Mason

On the application of the Solicitor-General, the Chairman put the question—That the Court do adjourn until Thursday, 29th instant,—with the following result:—

*For—2.*

Mason.  
Hawkes.

*Against—14.*

Aikenhead.  
Archer.  
Archer, T. C.  
Arthur.  
Barrett.  
Bennett.  
Cox.  
Flexman.  
Lette.  
Milligan.  
Parker.  
Ralston.  
Scott.  
Toosey.

The Court rose at 1-20.

G. SMITH, *Clerk of the Peace.*

FORWARDED for the perusal and information of the Honorable the Attorney-General.

J. M. WILSON,  
8 March, 1872.

PERUSED and returned with the Opinion of the Law Officers of the Crown upon the question.

W. R. GIBLIN,  
26. 3. 72.

## OPINION RE LAUNCESTON AND WESTERN RAILWAY VALUATION ROLL

*The Commissioners.*

1. In our opinion the Commissioners were required to take the Valuation Rolls in force for the time being as to all the properties within the Launceston and Western Railway District as the basis of their re-valuation of all such properties under the provisions of 29 Vict. No. 4, Sect. 70. We think that this is so appears by Section 69 of the same Act, in which these words are used,—“The rate therein mentioned shall be payable and paid at the time or times specified in such Notice by the then respective owners and occupiers of all assessed lands within the District according to the annual value of such lands as ascertained and determined by the Valuation Roll for the time being in force for the District altered as hereinafter provided.” And a further argument in favour of this construction seems to us to be derivable from the provision in Sect. 107 of the Act referred to, that there shall be no liability to any rate “until and after the said landholders” (that is to say, the proprietors on the Valuation Roll for the District in which their properties are situate of the annual value of not less than £10) “have by a majority of two out of three votes at a Poll to be taken for the purpose expressed their willingness to be chargeable with a rate in event of such deficiency of interest aforesaid.”

Then, the Valuation Roll being the basis of the re-valuation, it was the duty of the Commissioners (see Section 70) to “re-value by a fair valuation, with reference to the Railway accommodation, the several properties within the said District then described in the Valuation Roll for the time being;” and a ground of appeal from such valuation is stated to be that any “property is overvalued in proportion to the benefit it has received or may be reasonably expected to receive from the construction of the Railway.” (35 Vict. No. 9, Sect. 9.) Guided by the sections we have referred to, we think all lands assessed in the Valuation Rolls affecting the Railway District, for the time being in force at the time of re-valuation, should have been included in “The Valuation Roll of the Railway District,” and that an annual value should have been assigned to all such lands.

2. We are of opinion that the omission of any rateable value being inserted in respect of certain properties in the Valuation Roll of the Railway District was an error in judgment on the part of the Commissioners; but having in view the large powers contained in Sections 14 and 19 of the Act 35 Vict. No. 9, and by the letter of which it is declared that “the validity of the Valuation Roll shall not be affected by reason that any of the provisions of the said Act or this Act have not been complied with,” we cannot say that the inchoate Valuation Roll prepared by the Commissioners is in effect “not a Valuation Roll within the intent and meaning of the Launceston and Western Railway Acts”—the last words in inverted commas not being extracted from the Acts referred to, but from the Resolution passed by the majority of the Justices present at the late Court of Appeal.

3. The submission of the Valuation Roll to, and its rejection *in toto* for an insufficient reason, by the Court of Appeal would not of itself make it a nullity in law.

4. We think that Section 19 of 35 Vict. No. 9 practically has no application to the present state of things. That section appears to us to refer to the completed and not to the inchoate Valuation Roll; and although the non-compliance with certain provisions of the Act 29 Vict. No. 24, and 35 Vict. No. 9, might not have affected the validity of the Valuation Roll as prepared by the Commissioners, yet the valuation of the District has not been completed as provided in the 15th Section of 35 Vict. No. 9.

*The Court of Appeal.*

We are of opinion that the Court of Appeal was not competent to entertain and decide upon the question of the legality or validity of the Valuation Roll. The grave omissions on the part of the Commissioners undoubtedly would have caused much unnecessary trouble to the Court, and could not have been supplied without the infliction of hardship upon the parties affected by the omissions, but the sole duty of that Court—whether the Valuation Roll was more or less correct—was to hear and decide appeals, to correct mistakes, and supply omissions. (Sections 8 and 14 of 35 Vict. No. 9.)

2. We think the question, whether the Court of Appeal was at liberty to decline, on any grounds, to hear and determine all appeals and complaints against the Roll, is sufficiently dealt with in our last answer.

3. We are of opinion that the Court of Appeal had the power to correct the mistakes and supply the omissions referred to, as previously stated by us.

4. Assuming that the Commissioners completed the Valuation Roll (although there may have been certain mistakes and errors of omission of more or less gravity therein), and it being a fact that the Court of Appeal was duly assembled in compliance with the provisions of Sections 7 and 8 of 35 Vict. No. 9, and that such Court thereupon declined to entertain the Valuation Roll, we doubt the power of the Commissioners to cause the Court of Appeal to be re-assembled by the issuing of a fresh notice under the 7th Section.

5. The Court of Appeal having assembled, as before stated, and having broken up without naming any adjournment day, we think the statutory provisions for the completion of the Valuation Roll by that Court are exhausted; and that therefore the Supreme Court could not be asked to issue a Writ of Mandamus to compel the re-assembling of the Justices for the purposes referred to at a time not contemplated by any section of the Act 35 Vict. No. 9.

6. We do not think the words "if in case any matter is not completed within the time prescribed, the Governor in Council may, if he thinks fit, extend the time for completing the same," (Section 19 of 35 Vict. No. 9) can be held as applicable to the action taken by the Court of Appeal. In fact there was no time prescribed for the completion of the Valuation Roll by the Court, as it was within its power to adjourn from time to time as might be necessary; and were it even in the power of the Governor in Council to extend the time, the question would then arise whether any advantage could accrue from once more requiring the same Justices to undertake a duty which they have already declined to perform.

Since the foregoing Opinion was written we have been favoured with the perusal of a letter from the Commissioners to the Colonial Secretary, setting forth the grounds upon which they acted in the preparation of the Roll submitted to the Court of Appeal.

Nothing contained in this letter induces us to vary our expressed opinion that, in intentionally omitting the valuation of a large (or any) number of properties from the Roll, the Commissioners were in error.

The purpose and policy of the Act might have been as effectually served, and its provisions more accurately obeyed, had the Commissioners accepted the valuation of properties upon subsisting local Assessment and Valuation Rolls as a minimum, and proceeded to "shade" upwards from that basis "with reference to Railway accommodation," and to "the benefit each property has received or may be reasonably expected to receive from the construction of the Railway."

W. R. GIBLIN.

ROB. P. ADAMS.

*Crown Law Offices, 26th March, 1872.*

#### 1116.

##### LAUNCESTON AND WESTERN RAILWAY VALUATION ROLL AND RAILWAY RATE.

THE Commissioners appointed by the Governor under "The Launceston and Western Railway Act," 29 Vict. No. 24, Sect. 70, having prepared a "Re-valuation Roll" in which "the several properties within the Railway District" are not re-valued, upwards of 270 properties being entirely omitted from such Roll; the opinion of the Law Officers is requested as to whether the Governor can appoint other Commissioners, in the event of the resignation of the Commissioners already appointed?

J. M. WILSON.

*Colonial Secretary's Office, 28th March, 1872.*

#### 1117.

##### LAUNCESTON AND WESTERN RAILWAY VALUATION ROLL AND RAILWAY RATE.

THE Commissioners having duly given notice in the *Gazette* of their completion of "The Valuation Roll of the Railway District," and the Roll having been submitted as complete to the Justices assembled as a Court of Appeal, (who however did not enter on the hearing of any appeals), it is scarcely fair to assume, now, that the Roll was not completed by the Commissioners.

If, then, there is such a Roll, although it has been rejected by the Court of Appeal, and it is probable that errors of omission and commission may be found therein, the duty of the Commissioners, so far as their construction of the Roll went, must be considered completed; and, if so, we are of opinion that there can be no appointment of new Commissioners to construct a new Valuation Roll.

The work of the Commissioners being done,—unsatisfactorily it may be,—the duties of the Court of Appeal should have been entered upon and the Roll thereby completed; but, as we stated in a previous opinion, we do not think it is competent for the Governor to treat the Roll already prepared as a nullity.

W. R. GIBLIN.

ROB. P. ADAMS.

*Crown Law Offices, 3rd April, 1872.*

RECEIPTS AND EXPENDITURE FOR JANUARY, FEBRUARY, MARCH, AND  
APRIL, 1872. Nos. 1118 to 1121.

1118.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 21st February, 1872.*

SIR,

At a Board Meeting of the Directory of the Launceston and Western Railway Company held yesterday, the enclosed statements of receipts and expenditure were laid upon the table for the information of the members.

I regret to find that notwithstanding January having been so favourable a month that there was an expenditure of over Fifty pounds over income; this, I submit, will satisfy you that although exception at the time was taken to my estimate of the income and outlay of the Line as at present worked, my conclusions have unfortunately been a too near approximation of the actual results.

I have, &c.,

(Signed) SAM'L. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

(Copy.)

LAUNCESTON AND WESTERN RAILWAY.

*RECEIPTS and EXPENDITURE for the Month of January, 1872.*

RECEIPTS.			EXPENDITURE.		
	£	s. d.		£	s. d.
Passengers .....	759	11 7	Locomotive Power .....	345	0 6
Parcels .....	27	14 9	Coaching and Traffic Charges .....	346	3 1
Goods .....	398	1 6	Police, Gatemen, &c. ....	26	18 11
Rents, Mails, &c. ....	45	16 8	Maintenance of Way .....	408	3 2
Telegraph .....	5	3 8	Compensation .....	7	0 0
			General Charges .....	154	7 4
TOTAL .....	£1236	8 2	TOTAL .....	£1287	13 0

(Signed) R. W. LORD, Accountant.

	£	s.	d.
Expenditure .....	1287	13	0
Receipts .....	1236	8	2
Actual loss on January's working .....	£51	4	10

# LAUNCESTON AND WESTERN RAILWAY.

## COMPARATIVE TABLE.

Month.	1871.					1872.					Profit on the Month.	Loss on the Month.
	Working Days.	No. Passengers.	No. Tons.	Total Receipts.	Total Expenditure.	Working Days.	No. Tons.	No. Passengers.	Total Receipts.	Total Expenditure.		
				£ s. d.	£ s. d.				£ s. d.	£ s. d.	£ s. d.	£ s. d.
January .....	—	—	—	—	—	27	7487	—	1336 8 2	1287 13 0	—	51 4 10
February .....	17	2662	839	740 9 8	595 15 1	*Line was opened on the 14th February.			—	—	144 14 7	
March .....	27	6122	2318	1781 12 9	1118 15 11	*—	—	—	—	—	662 16 10	
April .....	25	9061	2296	1971 9 6	1310 7 4	*—	—	—	—	—	661 2 2	
May .....	27	6801	1596	1535 6 4	966 9 5	*—	—	—	—	—	568 16 11	
June .....	26	4216	1402	1142 5 9	1052 5 4	*—	—	—	—	—	90 0 5	
July .....	26	3666	1098	945 15 11	863 7 11	*—	—	—	—	—	82 8 0	
August .....	27	3630	774	795 13 6	1030 10 10	—	—	—	—	—	—	234 17 4
September .....	26	4078	514	827 15 9	962 2 4	*—	—	—	—	—	—	134 6 7
October .....	26	4473	655	813 11 0	911 3 0	*—	—	—	—	—	—	97 12 0
November .....	26	6612	820	922 8 11	1087 4 2	—	—	—	—	—	—	164 15 3
December .....	26	7006	1398	1152 7 6	1320 6 10	—	—	—	—	—	—	167 19 4
TOTALS .....	279	58,326	13,710	12,628 14 7	11,218 8 2	—	—	—	—	—	—	

(Signed) R. W. LORD, Accountant.

\* NOTE.—The Line was maintained during these months by Messrs. Overend and Robb, and the maintenance was paid for out of Construction Fund.—S. V. K.



1119.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 20th March, 1872.*

SIR,

AT a meeting of the Directory of the Launceston and Western Railway Company, held yesterday, the Secretary laid a statement of the receipts and expenditure of working the Line during the month of February on the table; a copy of which I have the honor to transmit herewith for your information.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

The Hon. the Colonial Secretary.

(Copy.)

## LAUNCESTON AND WESTERN RAILWAY.

## RECEIPTS and EXPENDITURE for the Month of February, 1872.

RECEIPTS.			EXPENDITURE.		
	£	s. d.		£	s. d.
Passengers .....	846	12 0	Locomotive power .....	430	3 7
Parcels .....	29	1 2	Coaching and traffic charges .....	485	5 6
Goods .....	511	1 1	Police, gatemen, &c. ....	27	6 6
Rents, mails, &c. ....	47	10 0	Maintenance of way .....	169	15 0
Telegraph .....	6	1 0	General charges .....	148	2 8
			Mail delivery .....	34	6 0
TOTAL .....	£1440	5 3	TOTAL .....	£1294	19 3

(Signed) R. W. LORD, Accountant.

	£	s. d.
Receipts .....	1440	5 3
Expenditure .....	1294	19 3
Earnings for February .....	£145	6 0
		S. V. K.

1120.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 30th April, 1872.*

SIR,

AT a meeting of the Directory of the Launceston and Western Railway Company, held this day, the Secretary laid a statement of the receipts and expenditure of the Line for the month of March on the table; a copy of which I have the honor to transmit herewith for your information.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

The Hon. the Colonial Secretary.

(Copy.)

## LAUNCESTON AND WESTERN RAILWAY.

STATEMENT of Receipts and Expenditure for the Month ending March 31st, 1872.

RECEIPTS.				EXPENDITURE.			
	£	s.	d.		£	s.	d.
Passengers .....	672	13	11	Locomotive power .....	610	12	3
Parcels .....	33	7	4	Coaching and traffic charges .....	595	2	9
Goods .....	815	14	3	Police, gatemen, &c. ....	54	6	6
Mails, rent, &c. ....	53	6	8	Maintenance of way .....	657	4	10
				General charges .....	284	17	6
				Mail delivery .....	7	10	0
TOTAL .....	£1575	2	1	TOTAL .....	£2209	13	10

(Signed) R. W. LORD, Accountant.

	£	s.	d.
Expenditure .....	2209	13	10
Receipts .....	1575	2	1
Loss during the month of March, 1872.....	£634	11	9

S. V. K.

1121.

Railway Commissioners' Office, Public Buildings,  
Launceston, 21st May, 1872.

SIR,

At a meeting of the Directory of the Launceston and Western Railway Company, held this day, the Secretary laid a statement of the receipts and expenditure of the Line for the month of April on the table; a copy of which I have the honor to transmit herewith for your information.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

The Hon. the Colonial Secretary.

(Copy.)

## LAUNCESTON AND WESTERN RAILWAY.

STATEMENT of Receipts and Expenditure for the Month of April, 1872.

EXPENDITURE.				RECEIPTS.			
	£	s.	d.		£	s.	d.
Locomotive power .....	402	2	4	Passengers .....	699	18	3
Coaching and traffic charges .....	389	0	3	Parcels .....	37	15	1
Police and gatemen, &c. ....	27	13	7	Goods, &c. ....	956	8	11
Maintenance of way .....	487	19	9	Rents, mails, &c. ....	45	8	4
Compensation .....	7	0	0	Telegrams, L. & W. ....	5	9	2
General charges .....	147	1	8	Telegrams, Tasmanian Government.	1	9	6
Mail delivery .....	5	13	3				
TOTAL .....	£1466	10	10	TOTAL .....	£1746	9	3

(Signed) R. W. LORD, Accountant.

	£	s.	d.
Receipts .....	1746	9	3
Expenditure .....	1466	10	10
Profit for April .....	£279	18	5

S. V. K.  
21. 5. 72.

# LAUNCESTON AND WESTERN RAILWAY.

## COMPARATIVE TABLE.

Month.	1871.					1872.					1872.		
	Working Days.	No. Pas-sengers.	No. Tons.	Total Receipts.	Total Expenditure.	Working Days.	No. Pas-sengers.	No. Tons.	Total Receipts.	Total Expenditure.			
				£ s. d.	£ s. d.				£ s. d.	£ s. d.			
January .....	—	—	—	—	—	27	7487	1322	1236 8 2	1287 13 0	January, £51 4s. 10d. loss.		
February* ....	17	2662	839	740 9 8	595 15 1	25	7859	1663	1440 5 3	1294 19 3	February, £145 6s. 0d. gain.		
March* .....	27	6122	2318	1781 12 9	1118 15 11	26	6277	2571	1575 2 2	2209 13 10	March, £634 11s. 8d. loss.		
April* .....	25	9061	2296	1971 7 6	1310 7 4	26	6804	2759	1746 9 3	1466 10 10	April, £279 18s. 5d. gain.		
May* .....	27	6801	1596	1535 6 4	966 9 5	Total loss during 4 months			£5998 4 10	£6258 16 11	May.		
June*.....	26	4216	1402	1142 5 9	1052 5 4				5998 4 10	June.			
July* .....	26	3666	1098	945 15 11	863 7 11					July.			
August* .....	27	3630	774	795 13 6	1030 10 10				£260 12 1	August.			
September* ....	26	4078	514	827 15 9	962 2 4	S. V. K.					September.		
October*.....	26	4473	655	813 11 0	911 3 0						October.		
November ....	26	6612	820	922 8 11	1087 4 2						November.		
December .....	26	7006	1398	1152 7 6	1320 6 10						December.		
TOTALS ....	279	58,326†	13,710	12,628 14 7	11,218 8 2								TOTALS.

R. W. LORD, Accountant.

\* The maintenance during these months was paid for out of Construction funds, and charged in Messrs. Overend and Robb's contract.—S. V. K.

† Exclusive of season ticket holders.

APPLICATION FOR ASSISTANCE FROM THE GOVERNMENT TO AVERT THE  
NECESSITY OF CLOSING THE LINE. Nos. 1122 to 1141.

1122.

*Newlands, 6th June, 1872.*

SIR,

I HAVE the honor to forward a communication to you from the Secretary of the Launceston and Western Railway Company,—the subject matter of which appears to call for no remarks from me, but belongs wholly to the discretion of the Executive.

*The Hon. the Colonial Secretary.*

I have, &c.,

(Signed)

FRED. M. INNES.

1123.

*Launceston and Western Railway Company, Limited,  
Launceston, 3rd June, 1872.*

SIR,

I HAVE the honor to enclose herein copy of a report from the Inspecting Surveyor on some of the cuttings and embankments on this Line of Railway, and copy of a report by a Committee of Directors, to whom the same was referred by the Board.

In pursuance of the recommendation contained in this report, I have been instructed by the Board of Directors to address to you the request that His Excellency the Governor in Council will be pleased to waive for a time the lien which the Government has over the Railway and Works, to the extent of (say) not exceeding £5000, in favour of any bankers or private capitalist who will advance the necessary funds.

By this concession, the Directors believe they can make arrangements for the successful carrying on of the business of the Railway,—the suspension of which at the present time would be a public calamity; and will enable them to maintain the Line in perfect order during the ensuing winter months.

I am instructed by the Directors further to take advantage of this opportunity to express to His Excellency the Governor in Council their regret at the position the Company now holds as defendants in a suit instituted by the Government,—a position which the Directors would have gladly avoided had their duty to the Shareholders have permitted.

They further instruct me to refer you to the letters of the solicitors, addressed to the Honorable the Colonial Treasurer, dated the 25th and 29th April, as evidence of their desire to promote an amicable arrangement of any matters that might be in dispute between the Company and the Government; and I have now to repeat the assurance of the Directors that they have no desire to offer any unnecessary obstruction; but, on the contrary, that they are prepared to recommend the Shareholders of the Company to agree to any reasonable and equitable proposal that might be submitted, and which will tend to the solution of any present difficulties.

Referring again to the report of the Committee of Directors accompanying this letter, I beg leave to call your attention to the fact explained in that document, that the present urgent want of funds is caused by the unexpected increased outlay necessary to ensure the maintenance of the works in thorough working order; and that it is of the utmost importance to all interests involved that these, under any circumstances, be so maintained.

I have, &c.,

(Signed)

H. DOWLING, Secretary.

*he Hon. the Colonial Secretary.*

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 20th May, 1872.*

DEAR SIR,

IN consequence of so much wet weather the permanent way between Launceston and Evandale Road is not in such good order as it has been, owing to the inferior quality of the ballast and slips from many of the Cuttings stopping the drainage; these Cuttings will have to be cleaned out as soon as the weather permits. The permanent way from Evandale to Deloraine I beg to report in good order.

I have to report slips in all the Cuttings that have not been taken down to a proper slope, but more particularly to Nos. 35, 37, 38, 42, and 68, all of which will require a good deal to be taken out before they are secure. It is my opinion there is work enough for the engine gang of 25 men for the next three months; and should the wet weather continue, there will be no alternative but to double the number of men on the engine gang.

I have a man engaged breaking stone at Deloraine, he will have them done this week; as soon as they are finished he will cement the platform.

We required nine pieces more timber for the flood openings at Weston's, which I have let to be delivered this week, when it arrives we will have it framed in the yard, when finished will take it up by ballast train and put them in at once.

I had to take the men from 37 Cutting last week to do some work at the Big Cutting, which was getting very bad. We have it in fair order now, but I am afraid it will not last long. At the far end of the old slip there is a large body of earth on the move which must come out, but I will leave it as long as possible with safety.

I have, &c.,

(Signed) THOS. TIDY, *Inspecting Surveyor.*

*The Secretary Launceston and Western  
Railway Company.*

#### MEMORANDUM.

THE condition of the Ballast referred to has been developed during the working of the Line. When put on it was deemed good by all parties concerned, but it absorbs moisture and disintegrates in the packing up of the sleepers.

That the state of the Cuttings is traceable to the presence of veins of pipe-clay soil which melts, as it were, on exposure. No. 42 bank is still sinking considerably. Had 37 Cutting not been attended to last week the permanent way there would not have been passable this week. That 3 months' employment of the engine will be required, and that the cost will be *at least* £800 for this period, and more in proportion if the weather proves bad.

(Signed) THOS. TIDY, *Inspecting Surveyor.*

#### REPORT OF COMMITTEE ON MR. TIDY'S REPORT.

##### *Re CUTTINGS AND BANKS.*

YOUR Committee have met on this reference and beg to report as follows:—

That they are impressed with the gravity of the circumstances thus so unexpectedly developed in connection with the Banks and Cuttings on the Line between Launceston and Longford; and, to a lesser extent, at 68 Cutting beyond Longford. Your Committee are of course aware, that with reference to all interests involved, and in whomsoever the management of the Railway may in future be vested, it is of the very first importance that the permanent way and machinery shall be kept in the very best condition attainable.

That it is now evident that the nature of the soil through which the works have been carried—between this Station and Evandale Road more particularly—is of such a character that it must necessarily, for a long time, demand constant attention and outlay.

In the case of some of the slips they pass under the permanent way, and have a constant tendency to lift the rails; whilst Bank 47 is sinking considerably at the Launceston end, requiring weekly filling up—upwards of 20 feet of earth having been put on this bank since its formation.

So urgent have been some of these works that, as an instance, Mr. Tidy states that had the Directors delayed concurrence in his recommendation of the week before last to relieve the cutting at No. 37, the trains by this week could not have run over this portion of the Line.

Whilst the circumstances thus referred to are so urgent, your Committee are aware that the Company has no financial resources out of which these repairs can be paid; and your Committee have thought that the Directors may expect them to address themselves to the subject.

Your Committee, first of all, recommend that Mr. Tidy may be instructed carefully, but as economically as the occasion will allow, to continue to maintain in perfect order every portion of the permanent way, and to devote his best practical energies to maintain the cuttings and embankments until they have consolidated.

The very exceptional nature of the season as affecting agriculture, and consequently as affecting commerce generally, prevents the revenue bearing more than the ordinary expenditure for working; and this your Committee are satisfied has been brought down to the minimum,—that indeed any further reduction in this direction will be not unattended with danger to the safe working of the Line, and that it must be increased should traffic increase.

Under these circumstances your Committee have turned their attention to the mode by which moneys may be obtained.

And here, of course, they are at once met by the difficulty which arises in the way of a loan by the provisions of the 30 Vict. No. 28, which gives the Government a preferable lien against all creditors on the Railway and works and rolling stock.

If, however, the Government will consent to hold this lien in suspense with reference to any Banking Company or private capitalist who may advance funds to the Company, your Committee think that a cash credit may be obtained by which the expenditure may be met, and the Line maintained until the revenue improves.

It will be desirable that the Directors make arrangements for a loan of not exceeding £5000; and the Committee recommend an immediate application to the Government, as there will be a deficiency, so far as the Committee can ascertain, on the next pay sheet, due on the 15th June.

Failing an arrangement, your Committee apprehend that a suspension of your operations will be inevitable, and you will doubtless regard with deep anxiety the possibility of such a result. Not only will a sudden stop be put to the whole passenger and goods traffic of the Railway districts, but this immense inconvenience will extend far beyond those districts, including the entire postal service between these districts and the country at large, and the works of the Railway would probably fall into ruin; for a week's suspension of careful maintenance and repair might lead to disasters wholly irreparable, and would certainly, under the most favourable circumstances of the winter months, entail on the Railway an enormous future outlay.

Your Committee have somewhat exceeded instructions, perhaps, in going so fully into the financial part of the question, but as it is so important that a prompt provision be made for the exigencies now submitted, you will no doubt accept this as a sufficient reason for the length and nature of this Report.

(Signed) R. GREEN.  
W. S. BUTTON.  
WM. TYSON.  
C. J. WEEDON.

Launceston, 30th May, 1872.

## 1124.

### MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

*Colonial Secretary's Office, Hobart Town, 10th June, 1872.*

SUBMITTED,

THAT the request of the Board of Directors of the Launceston and Western Railway Company, contained in Mr. Dowling's letter addressed to the Colonial Secretary, under date the 3rd instant; viz.—“That the Governor in Council will be pleased to waive for a time the lien which the Government has over the Railway and Works to the extent of (say) not exceeding £5000 in favour of any bankers or private capitalist who will advance the necessary funds”—cannot be complied with,—as a surrender of the lien in question, or any portion thereof, would be at variance with the expressed conditions of the provisions of the Act 30 Vict. No. 29, Sec. 9.

J. M. WILSON.

THE Governor in Council approves.

E. C. NOWELL.  
10. 6. 72.

*The Hon. the Colonial Secretary.*

## 1125.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station,  
Launceston, 11th June, 1872.*

I HAVE the honor to inform you that the Directors at their weekly meeting to-day resolved on their rising to adjourn until 11 o'clock Friday morning next, having been disappointed that no answer was received to the important and very urgent application addressed to you on the 3rd instant, and in the hope that by that date they may have been placed in a position by your reply to come to a decision as to the course of action it is incumbent upon them to pursue, as the four-weekly pay sheet will be due on Saturday, and it has become a serious question whether they should involve themselves in any further outlay pending the decision of the Governor in Council on their application of the 3rd instant.

H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

1126.

*Colonial Secretary's Office, 13th June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 3rd instant, containing an application to the Governor in Council for a suspension of the lien of the Government on the "Railway and Works" in favour of any banking company or private capitalist that may be willing to advance a sum of say £5000, to be expended on the repairs and maintenance of the permanent way and working expenses during the remaining winter months of this year.

In reply, I beg to acquaint you that the Governor in Council is unable to comply with this application from the Directors, inasmuch as a surrender of the lien of the Government on "the Railway and Works," or of any portion of it, would be at variance with the express provision of the Act of Parliament, 30th Victoria, No. 28, Section 9.

At the same time, reviewing the importance of the interests involved in the maintenance of the Railway, and the public convenience of the inhabitants of the Railway District, the Government is prepared to sanction a temporary advance from the Treasury in aid of the working and maintenance of the Line to the extent of a sum not exceeding £100 per week, until such time as Parliament shall have determined the financial questions now raised by the present position of the Launceston and Western Railway Company.

Should the Directors be willing to accept assistance in this shape, the Government will require that the Traffic Receipts shall be paid into a bank to the credit of the Directors and Commissioners, and that weekly pay sheets be forwarded to this Department, through the Railway Commissioners, with their Certificate attached.

It must be understood that whenever the receipts from the Line are in excess of the working and maintenance expenses, such balance shall be paid to the Colonial Treasurer in liquidation of the advances that may have been made.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, Secretary.

1127.

BY ELECTRIC TELEGRAPH.

*Launceston, 14th June, 1872.*

YOUR letter was read at Board meeting to-day ; our remarks on proceedings will be forwarded to-morrow.

S. V. KEMP.

R. C. GUNN.

*The Hon. the Colonial Secretary.*

1128.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station,  
Launceston, 14th June, 1872.*

THE Directors cannot accept conditions proposed without going to shareholders ; and this would take time. They propose the more simple arrangement that Government advance the cost of cuttings and banks, as certified by the Commissioners, thus keeping Tidy's engine going separate from all other expenditure as for distinctly special extras, and leave the general business of the Company to go on as now ; if revenue arises then to repay any such advance. If this be done from the commencement of Tidy's extras we can go on very well—business seems improving. Will write to Augusta Road.

HENRY DOWLING.

*The Hon. F. M. INNES, Esq.*

1129.

*Launceston and Western Railway Company, Limited,  
Launceston, 14th June, 1872.*

SIR,

I HAVE the honor to acknowledge your letter of yesterday, the 13th instant, which reached my hands in time for the meeting of Directors held this morning on adjournment from Tuesday last.

The proposal to make "a temporary advance from the Treasury, in aid of the working and maintenance of the Line, to the extent of a sum not exceeding One hundred pounds per week," under certain conditions stated, have been carefully and fully considered by the Directors, and I have to acknowledge the liberal view the Government seem prepared to take of the present exigency.

The conditions attached to your offer, if accepted by the Directory, would seem to demand a reference to the shareholders, which would occupy time, really not now available.

I am instructed, however, to make a proposal which will render unnecessary this delay, and meet the present requirements of the Company.

I most respectfully submit for the consideration of the Government, that the advance proposed to be made shall be the amount required for the cost of the engine gang and engine employed on the extras at the banks and cuttings, specifically referred to in my letter and enclosures of the 3rd June; such amount being certified by the Commissioners, and not exceeding the £100 per week named by you.

The *actual* amount will be about £60 per week, commencing with the week ending March 9th last, when the necessity for extras was first more seriously developed, up to the date when it may be expected Parliament "shall have determined the financial questions now raised by the present position of the Company."

By this arrangement the assistance will be limited to those particular works which may be regulated by the determination of the Commissioners; and the general business of the Line will proceed as at present.

The Directors will be quite prepared to devote any improved revenue which may arise to the refunding such advance.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

I shall be much obliged if you will reply by telegram.—H. D.

*The Hon. the Colonial Secretary.*

1130.

*Hobart Town, 17th June, 1872.*

SIR,

WHILE I am desirous of abstaining from interference with the discretion of the Executive in dealing with the application of the Launceston and Western Railway Company for pecuniary assistance at the present juncture, I feel it due to the Executive, and also to the Directory and the public interests at stake, to represent to you that it would be most inexpedient to vest a control over the ordinary transactions of the Directory in working the Line in the Commissioners. I am persuaded that to vest such a control in them (which would virtually be in the "Professional" Commissioner) would, under present circumstances, only tend to disorganise the service by sowing the seeds of distrust and misunderstanding among the officers, and of offence and irritation to the Directory. In expressing this opinion I have in view, of course, only the temporary arrangements of the Company or Railway under the law as it stands, and refrain from committing myself in respect to ulterior arrangements; neither do I wish to be understood as intimating an opinion as to which party is blameable for incompatibilities that have already embarrassed the operations of the Company, and will again do so if they are not avoided.

I have, &amp;c.,

(Signed) FRED. M. INNES.

*The Hon. the Colonial Secretary.*



1131.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Office, 17th June, 1872.*

It may perhaps not be made clear by the correspondence addressed to you in the matter of the requirements arising from the works in the cuttings and on the banks that the Directors require the money they have already paid on these works out of revenue to meet the payment of wages due to-day, and which they have no means of paying without this reimbursement.

(Signed) H. DOWLING.

*The Hon. the Colonial Secretary.*

1132.

*Colonial Secretary's Office, 17th June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter dated the 14th instant, in which you express the opinion that acceptance of the assistance proffered you by the Government on the terms stated in my last communication would seem to require a reference to the Shareholders, and submit for my consideration another method of affording your Company immediate financial relief.

In reply, I have to request that you will acquaint the Directors that the offer of assistance on the terms proposed, which I am glad to observe you acknowledge to be liberal, was made on the understanding that its operation should not have a retrospective effect, which would necessarily involve an immediate advance of a considerable sum of public money.

The mode of payment was adopted from that which has received the sanction of Parliament for the disbursement of the last loan of £100,000, and I cannot understand that any objection can be urged against that arrangement.

The Government does not feel at liberty to disburse a sum of money by way of loan to meet expenses incurred since the 9th of March last in the maintenance and repairs of the permanent way.

But, in view of the present exigency, the assistance already offered is placed at the disposal of the Directors as the only arrangement which is likely to secure the sanction of Parliament.

You will consequently perceive that I am unable to accept the proposal you have submitted, or to modify the terms attached to my original offer of assistance.

I have, &c.,  
(Signed) J. M. WILSON.

*H. DOWLING, Esq., Secretary.*

1133.

BY ELECTRIC TELEGRAPH.

*Launceston, 18th June, 1872.*

SIR,

THE Board of Directors are now in their usual weekly meeting and have your letter of yesterday. You have been already informed of the precise position of the Company caused principally by the extra works required in the cuttings and on the banks between this station and Evandale road, and of the impossibility of the Directors continuing to run the trains without the direct assistance asked by the advance of the Four hundred pounds expended by the Company on these special works. Without this help the Directors are unable to pay the workmen now due, and they await the further consideration by you of the very serious dilemma which the suspension of operations must cause, and this is inevitable without aid.

I have, &c.,  
(Signed) R. GREEN, Chairman.

*The Hon. the Colonial Secretary.*

-1134.

BY ELECTRIC TELEGRAPH.

Launceston, 19th June, 1872.

THE Directors require Four hundred pounds to pay liabilities already incurred. We are not aware out of what fund this sum can be advanced, as only about £260 now remains in the hands of the Colonial Treasurer, appropriated but not pledged, nor do the Directors state how or when this sum, if advanced to them, is to be repaid, and we have no guarantee against a similar demand being made at an early date. A copy of Mr. Innes' letter to you of the 17th was read at yesterday's Board Meeting upon this subject. We therefore think that he should be requested to give his observations upon this question.

(Signed) S. V. KEMP.  
R. C. GUNN.

*The Hon. the Colonial Secretary.*

1135.

BY ELECTRIC TELEGRAPH.

19th June, 1872.

I HAVE to request that you will obtain a copy of the letter addressed to me yesterday by the Chairman of the Directors, and furnish me without delay with your observations thereon.

(Signed) J. M. WILSON.

*The Commissioners of the Launceston and Western Railway.*

1136.

BY ELECTRIC TELEGRAPH.

19th June, 1872.

YOUR letter of the 18th instant is referred by telegram to the Commissioners.—I await their report before sending you a reply.

(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

1137.

BY ELECTRIC TELEGRAPH.

20th June, 1872.

I HAVE referred to Mr. Innes the whole of the papers bearing upon the application of the Directors for an advance to the Railway Company of money from the Treasury.

I now await your observations on the Chairman's letter of the 18th instant, referred to in my telegram to you of yesterday.

(Signed) J. M. WILSON.

*The Commissioners of the Launceston and Western Railway.*

1138.

BY ELECTRIC TELEGRAPH.

Launceston, 20th June, 1872.

In reply to your telegram just received we respectfully beg to state that we have no further observations to offer upon the application of the Directors for an advance of £400 from the Treasury beyond what was yesterday conveyed to you by telegram and by confidential letter of the 15th instant.

SAML. V. KEMP.  
R. C. GUNN.

*The Hon. the Colonial Secretary.*

1139.

*Colonial Secretary's Office, 21st June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter, under date the 18th instant, intimating that "without the direct assistance asked by the advance of £400 expended by the Company on special works" the operations of the Line must cease.

In reply, I beg to acquaint you that your application has now received due consideration, and it has been found incompatible with the responsibilities of the Government to Parliament, which will be in Session in a few days, to augment the amount of assistance from the Treasury placed at the disposal of the Directors.

It will be obvious that the Government has evinced every desire to meet the views and wishes of the Directors by offering reasonable advances as indicated in my letter of the 13th instant, and I regret to find that the Board reject that measure of relief which you have designated as "liberal."

I have, &amp;c.,

H. DOWLING, *Esq.*, *Secretary.*

(Signed) J. M. WILSON.

1140.

BY ELECTRIC TELEGRAPH.

*Launceston, 21st June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of Telegram by Mr. Solly, intimating that you will reply to the Directors to-night. This arrived during the Meeting of the Board of Directors, to whom I submitted it, and thereupon they resolved as follows,—instructing me to forward a copy of their Resolution by telegram to you.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*(Signed) H. DOWLING, *Secretary.*

(Copy.)

THAT the Directors, having now waited the decision of the Government in the case submitted to them on the 3rd instant until they are no longer in a position to delay the payment of the workmen of the Company, resolve that unless the necessary pecuniary assistance is provided by the communication from the Honorable the Colonial Secretary in the morning, the Secretary be instructed to arrange to pay off the workmen engaged on the Banks and Cuttings, the expense of which is not fairly chargeable to Revenue, and arrange for the payment of the remaining workmen and officers prior to closing the Line; and that an early meeting of the Shareholders be convened, and report to such meeting the present Resolution, and all the correspondence relating to the question between the Government and the Directory.

(Signed) H. DOWLING, *Launceston.*

1141.

*Colonial Secretary's Office, 21st June, 1872.*

SIR,

SINCE conveying to you, in my communication of this day's date, the decision of the Government on your last application for an immediate advance of £400, I have received your Telegram forwarding a copy of a Resolution passed by the Directors at their meeting this afternoon embodying their intention to close the Line.

I take leave to point out to you that the Resolution in question erroneously affirms "that the Directors have now waited the decision of the Government in the case submitted to them on the 3rd instant, &c.," and beg to refer you to my letter of the 13th instant in support of the opinion I venture to express.

I have, &amp;c.,

H. DOWLING, *Esq.*, *Secretary.*

(Signed) J. M. WILSON.

1142.

TELEGRAM.

(Important and urgent.)

Launceston, Noon, 24th June, 1872.

SIR,

I HAVE the honor, under instruction from the Chairman of the Company, to forward for the information of the Government the following communications from the Inspecting Surveyor of this Line. It is now rendered certain that, in the face of the judgment obtained by the Colonial Treasurer, the Company cannot obtain any Loan to assist them in repairing works of construction now giving way under the pressure of a very heavy fall of rain; and therefrom, in connexion with prior correspondence, the Chairman considers it his duty to see that these reports are placed in your hands without delay, that the Government may be made aware with the slightest possible delay of the condition in which these works of construction must fall into in the course of a very few hours unless the Government can advise the Governor in Council to take the responsibility of providing for their necessary maintenance until Parliament can consider the question.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary, Hobart Town.**Report from the Inspecting Surveyor.*

22nd June, 1872.

"IN answer to yours of this date, instructing me to pay off the engine gang, &c., I beg to inform you that I have given notice to the Ganger, and he will inform the men. I will arrange to have a signal man at 38 Cutting, and 42 Bank. You can rely on my doing all that I possibly can to keep the Line safe; at the same time I give it as my opinion this is a most dangerous experiment in the present state of the Banks and Cuttings. The men have never been more urgently required on the particular works than at the present time; and I trust I may be relieved from any responsibility should accident occur through these men being discharged. There is but little probability of being able to keep the Line open for traffic many days, owing to the very wet weather. The slips in Cuttings have been increasing the last few days; and to take off the engine gang now, and allow this work to accumulate, the consequence will be we shall want two engines and gangs to get the better of it, and that before many days."

(Signed) THOMAS TIDY.

*From the same.—24th June, 1872.*

*Weekly Report.*—"In consequence of so much wet weather, the permanent way is not in first-rate order, but fair; and should the weather clear up we can soon make an improvement. The Cuttings from St. Leonards to Evandale Road have a great many slips during last week. The Banks also have settled considerably, more especially 42 Bank. It is my opinion that no time should be lost in keeping the Cuttings clear, or it will entail a good deal of extra expense when it is done, besides a great loss of ballast. The slip in the big Cutting (Cameron's) is still settling down, and lifting the permanent way—we have to lower the roadway every second day from 9 to 12 inches."

(Signed) THOMAS TIDY.

*Further.—June 24th, 11-30 A.M.*

"I HAVE just returned from No. 40 Bank where there is a very heavy slip, which makes it quite unsafe to run. I got the morning train over after altering the road, and the mail train may be passed over to-night; and then no more until it is attended to. I hope you will at once authorise my putting on a gang of men; it will require 40 or 50. All Cuttings are looking bad."

(Signed) THOMAS TIDY.

1143.

*Colonial Secretary's Office, 24th June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter by telegram of this day's date, forwarding copy of two Reports by Mr. Tidy, Inspecting Surveyor of the Line, on the present condition of the Works; and I regret very much that any circumstances should have occurred that would be calculated to stop the running of the trains.

Mr. Commissioner Kemp has just acquainted me that nothing can be done until the rain ceases, and that he is about to proceed over the Line, and will then forward me a report upon the subject.

I have, &amp;c.,

H. DOWLING, *Esq., Secretary.*

(Signed) J. M. WILSON.

**1144.**

By ELECTRIC TELEGRAPH.

*Launceston, 24th June, 1872.*

NOTHING can be done until the rain ceases. I am going over the Line, and will forward you a report should anything occur beyond what I understand has been forwarded to you by the Secretary.

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.***1145.**

By ELECTRIC TELEGRAPH.

*Launceston, 24th June, 1872.*

THE damages are not quite so bad as represented. The rain has ceased. The line may be kept open, and the injuries done by the late rains repaired well within the sum named per week in your letter to the Directory of the 13th instant, provided they set about making the necessary repairs without delay.

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.***1146.**

By ELECTRIC TELEGRAPH.

*Launceston, 25th June, 1872.*

THE Directors request me to state that during their meeting reports have been received from their Inspecting Surveyor that slips in 35 Cutting and 40 Bank are much worse. It will be dangerous for the Trains to pass over after to-day. Bank 42 raised 12 inches yesterday is down 6 inches to-day. 50 men are absolutely necessary at once, but as you are aware the Directors have no funds and are helpless.

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.***1147.**

By ELECTRIC TELEGRAPH.

*Launceston, 25th June, 1872.*

I REGRET to report that the Inspecting Surveyor finds the Banks 40 and 42 have become so bad that the Trains cannot run to-morrow. They require the prompt attention of 40 to 50 men to prevent more serious consequences. The Inspector fears that any further slip in 40 will affect the Culvert under it.

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.***1148.**

*Launceston and Western Railway Company, Limited,  
Launceston, 25th June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday on the subject of the reports by the Inspecting Surveyor to this Company, which letter you conclude by saying that Mr. Kemp has just acquainted you "that nothing can be done until the rain ceases, and that he is about to proceed over the Line."

If this communication from Mr. Kemp had the effect of delaying any aid the Government might have contemplated towards preventing the progress of the injurious condition reported to you—or at any rate arresting it—then the communication made by Mr. Kemp will have been very disastrous; for had the Directors have been in a position promptly to have supplied Mr. Tidy with the men he yesterday asked for, much good would have resulted from their labours; and the saving to the Government of largely increased disbursement in the future,—at the same time there would have spared the anxiety felt by the public and the Directors, at the present moment, whether the Trains can run to-morrow.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*(Signed) H. DOWLING, *Secretary.*

1149.

*Colonial Secretary's Office, 26th June, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of yesterday's date, and in reply beg to inform you, that the intimation by Mr. Kemp, quoted in my letter of the 24th instant, namely—"that nothing could be done until the rain ceases, and that he is about to proceed over the Line,"—in no degree influenced the views of the Government as to the mode or measure of assistance that is available to the uses of the Company.

Mr. Kemp furnished me with his Report, by telegram, on the evening of the same day.

It is with much concern for all interests affected by the Railway that I have contemplated the running of the Trains being jeopardised by slips in the banks of several of the cuttings; and it is to be regretted that the Directors rejected the offer of timely assistance, by the Government, communicated in my letter of the 13th instant, and which would have been found quite sufficient to have met the difficulties which have since arisen, and kept the Line open.

It is obvious that the responsibility of a stoppage of the Line rests with the Company.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Secretary.*

1150.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 26th June, 1872.*

SIR,

UPON the reading of your letter to the Secretary of the Launceston and Western Railway Company, at yesterday's Board meeting, relative to the damage done to the Line by the late rains, I surmised, from the tenor of such letter, that you were anticipating a further report from me beyond what was conveyed in my telegram to you on the 24th instant. Assuming such to be the case, I hasten to inform you that I went over that portion of the Line where the principal damages have occurred, between the St. Leonards and the Evandale Road Stations, and found that the rain had washed a good deal of earth from the slopes of all those cuttings which were left in an imperfect state into the side drains, causing the drainage water in some few cases to pass over the Line.

At Cutting No. 35, near the farm of Mr. Duggan, a considerable side slip has occurred, and spread itself partly over the ballast. The whole of the loose earth released by this slip must be taken out and removed, and the sides sloped back to a flatter angle than they were originally left at.

The former slips in the Big Cutting are still on the move, and whenever rain occurs it percolates through the rough open surface of the slopes, and thereby increases the superincumbent weight, which has the effect of forcing the road upwards, sometimes as much as twelve inches in a night. During the winter months it requires the almost exclusive attention of six men to keep this part of the Line to its proper inclination, and needs lowering every week for a distance of nearly five chains.

At the sides of this cutting there are indications of further small slips which need immediate attention, the cost of doing which will be considerably lessened by removing the excavated material to another part of the Line, which is settling down, and of which I shall speak presently. Moreover, a considerable quantity of ballast, of a superior kind, is also procured out of this cutting, and which is required at several places on the Line to mix with portions of the gravel ballast which has disintegrated by exposure to the atmosphere.

To excavate and procure special ballast, to improve and mix with that already pulverised, would be attended with considerable extra cost.

Nothing worthy of note has occurred from the last-named cutting (38) until you reach No. 40 Embankment. Here a portion of the slope, at the side, has given way, and left a few of the ends of the sleepers hanging without any support. The line repairers set to work and pushed the line over, about two feet, on to the solid part of the bank, which allowed the trains to pass over it up to last night, when, through its having been left and neglected, a further slip and subsidence has occurred, rendering the bank unsafe at that part for the passage of a train over it last night. Had this slip been attended to immediately after its occurrence, the Line could have been kept open, and the damages made good at a lesser cost than it will now take to effect the necessary repairs.

To restore this embankment it will be essential to build a stone wall of sufficient strength to take the foot of the slope—the soft and spongy material will require to be cast out—and the opening made by the slip filled in with solid material. Suitable stone and earth required for these repairs can be obtained from the Big Cutting close at hand.

The next place of importance in the Line affected by the late rains is a portion of No. 42 Embankment, which was built over a water spring, and the earth over it has been sinking ever since the embankment was first made. The amount of material it has swallowed up from time to time is almost incredible. It frequently subsides twelve inches during the night, and several feet per week have sometimes been added to the height of it; the adjoining ground for a distance of a hundred yards has been forced up, and the surface levels of the land altered.

The material required to maintain the subsidence of this embankment can also be procured from the slips in the Big Cutting.

The works all along the Line have suffered to a lesser degree, but not to such an extent as to warrant any mention of them in this report, as they can be remedied by the line repairers without incurring any additional expense.

I am sorry to have to inform you that the Directors have deemed it prudent to close that portion of the Line between Launceston and the Evandale Road, and the trains are only running night and morning between the latter station and Deloraine—passengers and mails being conveyed by omnibus between Launceston and Evandale Road to meet the arrival and departure of trains.

This, I take it, is only a temporary arrangement, pending the decision of the meeting of shareholders which is to be held to-morrow.

To effect the requisite repairs to that portion of the Line mostly damaged, and to allow the Line being continued open, it will, in my opinion, require an engine and six or eight waggons, with about 40 men, for three or four weeks. The Line can be made secure for the passage of trains over any portion of it in three or four days, and the repairs can be carried on between the running of the trains.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary, Hobart Town.*

1151.

*Launceston and Western Railway Company, Limited,  
Launceston, 22nd June, 1872.*

SIR,

I HAVE submitted your letters of yesterday's date to the Chairman, and duly note their contents.

I have the honor to remind you that the term "liberal," which you have now twice quoted, did not refer to the "measure of relief" offered by yours of the 13th instant, but to the spirit of concession in which, it appeared to the Directors, you approached the question submitted. The "measure of relief," you were advised, did not meet the exigency, which had been brought about by the expenditure of some £400 on works not properly chargeable to the revenue; and which had been made by the Directors, in their anxiety that under no circumstances whatever should the substantial condition of the Line become impaired; at least, by any want of care on their part.

The "measure of relief" sought by them was an amount of money sufficient to pay the four weekly earnings due to the workmen on the 15th instant, and to provide for the continued employment of the gang of men employed on the banks and cuttings; and which men they are now under the necessity of dismissing, in the face of the risk incurred that on any day the whole business of the Colony, postal and otherwise, may be interrupted.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

1152.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station, 26th June, 1872.*

THE Directors have just returned from 40 Bank, and instruct me to say how deeply they regret that the Government do not authorise such numbers of men as Tidy requires to prevent the works getting worse; a few hours would apply checks which neglected may involve indefinite outlay, and whoever may have the control this is surely most undesirable. These checks it is clear should have been applied when Tidy asked for men on the 24th, but should not be delayed an hour.

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.*

1153.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station,  
27th June, 1872.*

I HAD the honor yesterday to forward copy of the Report to the Shareholders by the Directors of the Launceston and Western Railway Company; and I am instructed to advise you that the result of the proceedings at the said meeting was the following Resolution:—Abye Douglas, Esq., moves and Mr. Alderman Turner seconds, "This meeting is of opinion that the Directors should close the Line on Monday next unless the Government provide the necessary means to carry on the business of the Line."—Carried. You are aware that it is impossible for me at this late hour to communicate with the Board of Directors, but I feel assured you will not deem it out of place when I most respectfully submit to you if it is not possible for you to avert this calamitous procedure by submitting a resolution to the Assembly authorising a sufficient temporary advance for the purpose indicated by Mr. Douglas's resolution. Nearly the amount sufficient is in the hands of the Colonial Treasurer to credit of Company and Commissioners, so that I respectfully suggest it will be but asking the House to consent to use temporarily such construction money.

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.*

1154.

*Launceston and Western Railway Company, Limited,  
Launceston, 28th June, 1872.*

SIR,

I HAD the honor last night to forward to you by telegram the result of the meeting of Shareholders held in the Mechanics' Institute yesterday, and now have the honor to complete the information which I presume I may be expected to give, by transmitting copies of the whole of the resolutions; viz.—

1. A. Douglas, Esq., moved and Mr. Edginton seconded,—“That the Directors, in refusing the offer of assistance by the Government on the conditions proposed by the Honorable the Colonial Secretary, adopted a course of which this meeting fully approves.”—Carried.

2. Mr. James Fish moved and Mr. George Pullen seconded,—“That the Report of the Directors, as a whole, be now adopted.”—Carried.

3. A. Douglas, Esq., moved and Mr. Alderman Turner seconded,—“That this meeting is of opinion that the Directors should close the Line for traffic on Monday next, unless the Government provide the necessary means to carry on the business of the Line.”—Carried.

With these Resolutions I have the honor also to forward printed slip containing the Report referred to as passed by the meeting.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.*



1155.

TELEGRAM—IMMEDIATE.

*Colonial Secretary's Office, 29th June, 1872, 2.45 P.M.*

SIR,

I AM in receipt of your letters of the 27th and 28th instant forwarding Resolutions passed at a meeting of the Shareholders of the Company, and suggesting that the Government should "submit a Resolution to the Assembly authorising a sufficient temporary advance for the purpose indicated in Mr. Douglas's Resolution."

In reply, I have the honor to inform you that as Parliament is now in Session the whole question of the difficulties affecting the Government and the Company will be fully considered at an early date; but in the meantime, as the permanent way has sustained further damage since the offer of assistance was made, the Government are still most anxious that the Line should continue open for traffic.

With this object in view, and for the reasons already stated in previous communications, the Government are prepared to supplement the offer of assistance, on the conditions prescribed in my letter of the 13th instant, by such an amount as may be sufficient to at once place the permanent way in a condition for the safe working of the Line.

I have, &amp;c.,

(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

1156.

BY ELECTRIC TELEGRAPH.

*Launceston, 29th June, 1872, 4.30 P.M.*

WITHOUT the advance to the Company on loan of the funds already paid out of revenue on the extras on Banks and Cuttings, now amounting to £581, the Directors have not the means of paying the officers and workmen amount due to-day. Their Resolution to suspend operations you will see by correspondence was based principally on their determination not to involve themselves in liability. I am left to conclude that the very strong expressions of opinion I have heard at the Board against your Condition of the 13th to pay the Revenues into a Bank to the credit of the Company and Commissioners, thus placing the ordinary business of the Line in the hands of the Commissioners, supported as these opinions have been by the *first* Resolution of the Shareholders on the motion of Mr. Douglas on the 27th instant, will remain unaltered. I have sent for the Chairman and Resident Directors that they may advise, and will send you another Message.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

1157.

BY ELECTRIC TELEGRAPH.

*Launceston, 29th June, 5.30 P.M.*

DIRECTORS have met Messrs. Green, Robertson, Webster, Weedon, and Fisher. They confirm my Telegram of to-day. Unless they are supplied with funds to pay the arrears due the Trains cannot run. If your assurance can be given that these funds will be forthcoming workmen could make the Line safe to-morrow, and the servants who have received notice can be retained at their posts. Further expenditure on the Banks and Cuttings, which would not exceed £100 per week, to be under the control of the Commissioners. Unless an immediate consent can be given it will be impossible to arrange for the opening of the Line again on Monday morning.

(Signed)

H. DOWLING, Secretary.

*The Hon. the Colonial Secretary.*

1158.

By ELECTRIC TELEGRAPH.

*Launceston and Western Railway Office, 29th June, 1872, 7.10 P.M. [Received 8.30 P.M.]*

THE men all ceased work to-night. I am keeping the Stations open until 8 o'clock, when they close, and all men are disbanded: gatemen, permanent way, and traffic staff. If a favourable reply was sent it would be necessary for Traffic Superintendent to be at work all to-morrow re-organising, and then difficult.

(Signed) H. DOWLING.

*The Hon. the Colonial Secretary.*

1159.

TELEGRAM.

29th June, 1872, 7.57 P.M.

MUCH as the Government regret the decision at which the Directors have arrived to stop the Line, they do not feel justified in making advances to liquidate liabilities previously incurred in the management of the Company's affairs.

(Signed) J. M. WILSON.

HENRY DOWLING, *Esq., Launceston.*

## CORRESPONDENCE WITH THE HONORABLE COLONIAL TREASURER.

COMMISSIONERS TO REVALUE PROPERTY IN DISTRICTS. ADVANCE TO MEET CURRENT EXPENSES OF COMMISSIONERS. Nos. 1160 AND 1161.

1160.

## MEMORANDUM.

THE Governor approves, upon the recommendation of the Commissioners appointed to revalue the properties in the Launceston and Western Railway District, of an advance of the sum of Fifty Pounds being made to Mr. Ronald C. Gunn to defray petty current expenses of the Commissioners. To be provided for in a Supplementary Estimate.

By Command,

J. M. WILSON.  
16 Oct. 1871.*The Colonial Treasurer.*

MEMO.—Cheque for £50 forwarded by Colonial Treasurer, 24th October, 1871.

1161.

SIR,

23rd February, 1872.

I HAVE the honor to return herewith two Accounts received this morning from Mr. Innes, chargeable against the Commissioners appointed to value the property in the Launceston and Western Railway District; and I beg to enclose a Cheque on the Commercial Bank, Launceston, for a further advance of £50, which will enable the Commissioners to meet current expenses.

I have, &amp;c.,

W. LOVETT, *for the Colonial Treasurer.*R. C. GUNN, *Esq., Launceston.*

TREASURER TO AUDITOR NOTIFYING ACTION OF HOUSE OF ASSEMBLY  
AS TO AUDIT OF CERTAIN ACCOUNTS. No. 1162.

1162.

*Colonial Treasury, Hobart Town, 10th January, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 15th of November last transmitting copies of correspondence between the Secretary of the Launceston and Western Railway and your Department in reference to some accounts of the Company which had been sent in for audit without the necessary vouchers in support of the same.

In reply, I have the honor of informing you that I laid the correspondence on the Table of the House of Assembly during the recent Session; and on the 14th of December last the House of Assembly resolved—"That, after fully considering the Auditor's Report on the Accounts of the Launceston and Western Railway Company, this House is of opinion that the Colonial Auditor should be authorised to grant a full acquittance and discharge to the Launceston and Western Railway and Commissioners for all Wages paid by them through their Officers to mechanics and labourers employed on their works, notwithstanding that the individual receipts of such mechanics and labourers have not been produced for the Auditor's satisfaction."

I forward herewith, for the information of the Auditor, a Report of the Votes and Proceedings of the House of Assembly on the 14th December last, together with a printed copy of the correspondence referred to.

I conclude that you will now feel authorised to give the Railway Company and Commissioners a full discharge for the payments referred to.

*The Colonial Auditor.*

I have, &c.,

(Signed)

THOS. D. CHAPMAN.

CALLING FOR BALANCE SHEETS AND REVENUE AND EXPENDITURE  
RETURNS. Nos. 1163 to 1166.

1163.

*Colonial Treasury, Hobart Town, 25th January, 1872.*

SIR,

I HAD the honor of receiving in due course your letter of the 17th October last, with the Accounts of your Company for the half-year ending 16th September last; and your letter with the enclosed Accounts is included in the correspondence ordered to be printed by both Houses of Parliament during the late Session, copies of which I hope to be able to send you during the ensuing week.

My attention has just been directed to the provisions of the 11th Section of the Launceston and Western Railway Act, No. 5, passed on the 22nd October, 1869, which renders it necessary for your Company to furnish the Colonial Treasurer with half-yearly Accounts in detail of the traffic upon the Line, and of the Receipts and Expenditure, to be published in the *Gazette*. As I am desirous of publishing the Accounts in next *Gazette*, may I request that you will be good enough to furnish me, by post leaving on Friday evening, with the Accounts of your Company for the half-years ending 16th September, 1869, 16th March, 1870, 16th September, 1870, and 16th March, 1871, together with the Traffic Account for the half-year ending 16th March, 1871, and I will then have them all published in the next *Gazette*, together with the Accounts you have already sent to me for the half-year ending 16th of September, 1871.

H. DOWLING, *Esq.*, Secretary.

I have, &c.,

(Signed)

THOS. D. CHAPMAN.

1164.

By ELECTRIC TELEGRAPH.

Launceston, 26th January, 1872.

WE have no half-yearly statements until September. The Act No. 5 was read as requiring these half-yearly after traffic commenced, and *then* the half-yearly arrangement was adopted. Prior to that they are annual. We can supply to-night years ending March 1869, 1870, and 1871, revenue and expenditure; after opening, March and September, 1871. Perhaps you will consider the two last sufficient under provisions of Act No. 5.

(Signed) H. DOWLING, Secretary.

The Hon. the Colonial Treasurer.

1165.

Launceston and Western Railway Company, Limited,  
Launceston, 26th January, 1872.

SIR,

Not having an answer to my telegram of to-day, I presume there must be some interruption. I send you what balance sheets I have; but, as you are aware, the traffic did not commence until February last year, and that there was but one month's expenditure and receipts from revenue. The half-yearly expenditure and receipts ending September, 1871, I think you have. As named in the telegram to-day, we have acted under the impression that the provision of the Act No. 5, relating to publication in the *Gazette*, applied to accounts from date of opening and collection of revenue.

I have, &amp;c.,

(Signed) H. DOWLING, Secretary.

The Hon. the Colonial Treasurer, Hobart Town.

## LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.

## BALANCE SHEET, 1868-69.

Dr.											Cr.		
1869.				£	s.	d.	1869.				£	s.	d.
March 16. To	Union Bank Balance to						March 16. By	Capital Account .....	52,800	0	0		
	Company and Commis-							Union Bank Balance of					
	sioners' Account.....	31,489	11	11				Company's Account ..	17,209	10	0		
	Construction Account—							Debenture Account—					
	Amount expended to							Amount borrowed ....	300,000	0	0		
	date .....	65,807	0	5				Sundry Shareholders ...	573	10	0		
	Union Bank, London,												
	Balance to credit of												
	Company and Commis-												
	sioners .....	234,588	2	2									
	Bills receivable—Promis-												
	sory Notes on hand....	2486	18	10									
	Ditto deposited with												
	Union Bank, Launces-												
	ton .....	11,290	0	0									
	Interest on Debentures—												
	Amount paid for one												
	year on £300,000 ....	18,000	0	0									
	Sundry Shareholders—												
	Amount of unpaid Calls	6921	6	8									
		<u>£370,583</u>	<u>0</u>	<u>0</u>							<u>£370,583</u>	<u>0</u>	<u>0</u>

WE have examined this Balance Sheet of the Launceston and Western Railway Company, Limited, and have compared it in every particular with the Account Books and Vouchers of the Company, and we hereby certify that it is correct.

G. H. GLADMAN, } Auditors.  
MATT. TYSON, }

Launceston, 6th April, 1869.

LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.  
BALANCE SHEET, 1869-70.

Dr.				Cr.			
1870.				1870.			
March 16.	Union Bank balance to Cr. of Co. and Commissioners	£	s. d.	March 16.—	Capital account	£	s. d.
		29,074	16 8		Union Bank, balance of Com-	52,800	0 0
	Construction account	264,442	3 5		pany's account	5689	13 11
	Union Bank, London, balance to Cr. of Co. and Commis-				Debenture account	300,000	0 0
	sioners	20,280	8 2		Sundry Shareholders	86	12 6
	Bills receivable: Promissory notes on hand	598	19 0				
	Ditto deposited with Union Bank, Launceston	4197	2 6				
	Interest on Debentures	36,000	0 0				
	Sundry Shareholders	3982	16 8				
		£358,576	6 5			£358,576	6 5

Launceston, 7th April, 1870.

We have examined this Balance Sheet of the Launceston and Western Railway Company, Limited, and have compared it in every particular with the Account Books and Vouchers of the Company, and we hereby certify that it is correct.

MATT. TYSON, }  
THOS. GLADMAN, } *Auditors.*

LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.  
BALANCE SHEET, 1870-71.

**Dr.**

		£	s.	d.
1871.				
March 16.	Union Bank, balance to Company's account.....	937	3	3
	Ditto, ditto to Co. and Commissioners' account.....	507	6	11
	Interest on Debentures.....	48,000	0	0
	Bills receivable: Promissory Notes on hand: .....	3575	5	3
	Construction account.....	349,605	6	5
	Union Bank, London, balance to credit of Company and Commissioners .....	16,300	15	1
	Sharp and Terry, London, balance in hand.....	2803	11	4
	Colonial Treasurer, balance in hand.....	33,007	8	3
	Sundry Shareholders.....	2933	10	0
	Sundry outstandings.....	137	13	5
		£457,807	19	11

**Cr.**

		£	s.	d.
1871.				
March 16.	Capital account.....	55,080	0	0
	Debenture account .....	400,000	0	0
	W. S. Button, R. Green, W. D. Grubb, and others....	1650	0	0
	Sundry creditors.....	162	11	0
	Revenue account.....	915	8	11
		£457,807	19	11

Launceston, 27th March, 1871.

We have examined this Balance Sheet of the Launceston and Western Railway Company, Limited, and have compared it in every particular with the Account Books and Vouchers of the Company, and we hereby certify that it is correct.

MATT. TYSON, }  
JOHN REID, } *Auditors.*

H. DOWLING, *Secretary.*  
R. W. LORD, *Accountant.*

**LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.**  
**GENERAL BALANCE SHEET, Half Year ending 16th September, 1871.**

Dr.							Cr.						
CAPITAL AND LIABILITIES.				£	s.	d.	PROPERTY AND ASSETS.				£	s.	d.
To Capital Account .....	53,840	0	0				By Union Bank, balance to Company's						
Bonds to the Government .....	400,000	0	0				account .....	1075	14	3			
W. S. Button, R. Green, W. D. Grubb,							Ditto Company and Commissioners	203	12	7			
and others .....	1196	3	0				Bills receivable: Promissory Notes						
Sundry Creditors .....	177	8	0				on hand .....	3500	5	3			
Revenue Account .....	1455	19	9				Construction account paid, contracts,						
							&c., £387,215 3s. 6d.; interest						
							on Debentures, £48,000 .....	435,215	3	6			
							Union Bank, London, balance to						
							credit of Company and Commis-						
							sioners .....	796	19	11			
							Sharp and Terry, London, balance						
							in hand .....	623	2	1			
							Colonial Treasurer, ditto .....	13,385	9	11			
							Sundry Shareholders, ditto .....	1329	10	0			
							Ditto, Outstandings .....	69	13	5			
							Stores on hand .....	469	19	10			

MEMORANDUM.—Twelve months' interest on Bonds to the Government due on the 1st August, 1871, £24,000.

RICHARD GREEN, *Chairman.*

**REVENUE AND EXPENDITURE RETURNS.**

**LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.**  
**REVENUE and EXPENDITURE from February 14th to 18th March, 1871.**

Expenditure.				Receipts.			
	£	s.	d.		£	s.	d.
1871.				1871.			
March 18. Locomotive Power .....	306	15	8	March 18. Passenger Receipts .....	919	4	1
Coaching and Traffic Charges .....	248	10	3	Parcels ditto .....	14	18	9
Police, Gatemen, & Pointsmen .....	22	7	4	Goods ditto .....	741	4	2
General Charges .....	129	0	4				
Law Charges and Sundries .....	53	4	6				
Balance .....	915	8	11				
	£1675	7	0		£1675	7	0

**LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.**

**REVENUE and EXPENDITURE for Six Months ending 16th September, 1871.**

Train Miles, 41,850. Cost per Train Mile, 3s. 5½d.

Expenditure.				Receipts.			
Dr.	£	s.	d.	Cr.	£	s.	d.
To Locomotive Power .....	2639	15	8	By Passengers (No. 33,552) .....	3643	16	7
Coaching and Traffic Charges .....	2855	12	8	Parcels .....	142	11	10
Police, Gateman, &c. ....	186	11	2	Goods (tons, 8662) .....	3615	9	8
General Charges .....	1177	12	7	Mails, Rents, &c. ....	294	8	8
Direction Fees .....	183	15	0				
Station Repairs .....	44	19	10				
Maintenance Way .....	20	3	0				
Mail Delivery .....	41	16	0				
Compensation .....	19	9	0				
Balance .....	526	11	10				
TOTAL .....	£7696	6	9	TOTAL .....	£7696	6	9

RICHARD GREEN, *Chairman.*

H. DOWLING, *Secretary.*

R. W. LORD, *Accountant.*

## 1166.

*Colonial Treasury, Hobart Town, 31st January, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 26th instant, which reached me in due course, together with copies of the balance sheets of your Company for the years ending 16th March, 1869, 16th March, 1870, and 16th March, 1871, all of which I had published in the *Gazette* of the 30th instant, with the revenue and expenditure returns from the opening of the Railway on the 14th February to the 18th March, 1871, and a similar account for the half-year ending the 16th September, 1871.

The Valuation Roll of the Railway District was also published yesterday in a *Gazette Extraordinary*.

Under a separate cover to your address I have forwarded two copies of yesterday's *Gazette*, together with two copies of the *Gazette Extraordinary*.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

H. DOWLING, *Esq., Secretary.*

APPLICATION FOR £12,000 INTEREST DUE FEBRUARY 1, 1872. Nos. 1167 to 1169.

## 1167.

*29th February, 1872.*

SIR,

I HAVE the honor to transmit the enclosed accounts for interest due to the Government on bonds given by your Company to the Government for £300,000 and £100,000 respectively; and I have to request that you will be good enough to forward a remittance for the same to this department at your early convenience.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

*The Secretary Launceston and Western Railway Company.*

## THE LAUNCESTON AND WESTERN RAILWAY COMPANY

DR. to the GOVERNMENT OF TASMANIA.

To Interest due on the first of February, 1872, on a Bond for Three hundred thousand Pounds (£300,000), dated 29th January, 1868, at £6 per cent. per annum ..... £9000

£9000

*Colonial Treasury, Hobart Town, 29th February, 1872.*

## THE LAUNCESTON AND WESTERN RAILWAY COMPANY

DR. to the GOVERNMENT OF TASMANIA.

To Interest due on the first of February, 1872, on Bond for One hundred thousand Pounds, dated 25th January, 1870, at £6 per cent. per annum..... £3000

£3000

*Colonial Treasury, Hobart Town, 29th February, 1872.*

## 1168.

*Launceston and Western Railway Company, Limited,  
Launceston, 11th March, 1872.*

SIR,

YOUR communication dated 29th instant, containing a demand for payment of Interest in the sum of £12,000 on bonds for £300,000 and £100,000 respectively, I have submitted to the Directors, and am instructed to say that they regret they have no funds available for such payment.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Treasurer, Hobart Town.*

1169.

*Colonial Treasury, Hobart Town, 10th April, 1872.***MEMORANDUM.**

THE Colonial Treasurer has the honor of calling the attention of the Hon. the Colonial Secretary to a memorandum transmitted to him on the 11th September last respecting the interest (amounting to £24,000) then due by the Launceston and Western Railway Company on their bonds for £400,000 to the Government which the Company was unable to pay.

The Colonial Treasurer has now the honor of informing the Hon. the Colonial Secretary that on the 29th of February last the Colonial Treasurer again applied to the Company for payment of the sum of £12,000 for another half-year's interest on the said bonds due on the 1st of February last; and the Secretary of the Company informed the Colonial Treasurer on the 11th of March last that he was instructed by the Directors of the Company to express their regret that they had no funds available for the payment of such interest.

As the interest due to the Government by the Company now amounts to £36,000, as per account herewith, the Colonial Treasurer would recommend that the subject should have the immediate attention of the Government with the view of deciding what steps should be taken in the matter.

THOS. D. CHAPMAN, *Colonial Treasurer.**The Hon. the Colonial Secretary.**Colonial Treasury, 10th April, 1872.***LAUNCESTON AND WESTERN RAILWAY COMPANY****DR. to the GOVERNMENT of TASMANIA.**

	£
To Interest due on the 1 February, 1871, on a Bond for £300,000 dated 29 January, 1868, at £6 per cent. per annum .....	9000
To Interest due on the 1 August, 1871, on a Bond for £300,000, dated 29 January, 1868, at £6 per cent. per annum .....	9000
To Interest due on the 1 February, 1872, on a Bond for £300,000, dated 29 January, 1868, at £6 per cent. per annum .....	9000
	<u>£27,000</u>
To Interest due on the 1 February, 1871, on a Bond for £100,000, dated 25 January, 1870, at £6 per cent. per annum .....	3000
To Interest due on the 1 August, 1871, on a Bond for £100,000, dated 25 January, 1870, at £6 per cent. per annum .....	3000
To Interest due on 1 February, 1872, on a Bond for £100,000, dated 25 January, 1870, at £6 per cent. per annum .....	3000
	<u>£9000</u>
<i>Together amounting to.....</i>	<u><u>£36,000</u></u>

**CALLING FOR A STATEMENT OF LIABILITIES UNDER EXISTING AUTHORITIES OF THE GOVERNOR IN COUNCIL. Nos. 1170 to 1172.**

1170.

*Colonial Treasury, Hobart Town, 11th March, 1872.***MEMORANDUM.**

THE Colonial Treasurer has the honor of calling the attention of the Hon. the Colonial Secretary to the Memorandum from this Department, dated 9th December last, which will be found among the Correspondence relating to the Launceston and Western Railway, printed by order of Parliament during the last Session. (See page 246.)

The Colonial Secretary will observe that the balance of the proceeds of the last Loan for £100,000, in the hands of the Colonial Treasurer on the 9th December last, only amounted to £4238 18s. 3d.; since that date several payments have been made to the Directors and Commissioners of the Launceston and Western Railway reducing that balance to £2860 14s. 6d. at this date.



The Colonial Treasurer has the honor, therefore, to suggest to the Hon. the Colonial Secretary, that as the available funds in the hands of the Treasury for the purposes of the Launceston and Western Railway are now reduced to £2860 14s. 6d., it would be desirable to receive from the Directors and Commissioners of the Launceston and Western Railway, a statement showing the probable amount likely to be required to pay for the several works already authorised by the Governor in Council; and until such a statement is received the Colonial Treasurer would recommend that the approval of the Governor in Council should not be given to any further recommendations of expenditure sent forward by the Directors and Commissioners of the Launceston and Western Railway.

*The Hon. the Colonial Secretary.*

THOS. D. CHAPMAN, *Colonial Treasurer.*

1171.

By ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station,  
Launceston, 14th March, 1872.*

YOUR Memo. of the 11th to the Colonial Secretary is read by one of the Commissioners as extending to the payment of wages and other claims incurred under concurrences dated prior to that Memo.; but the Chairman and myself read it as referring only to the suspension of approval to further recommendations of expenditure sent forward by the Directors and Commissioners, as certificates and cheques are refused under the objection stated for expenditure approved prior to the 11th instant. I respectfully beg that the Commissioners may be advised by telegram.

*The Hon. the Colonial Treasurer.*

H. DOWLING, *Secretary.*

1172.

*Colonial Treasury, Hobart Town, 14th March, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your Telegram informing me that one of the Commissioners interprets my Memorandum to the Hon. the Colonial Secretary, dated the 11th instant, as extending to the payment of wages and other claims incurred under approvals by the Governor in Council prior to the 11th instant.

In reply I have the honor of informing you that I never intended such a construction to be placed on my Memorandum to the Hon. the Colonial Secretary; and on referring to my Memorandum I do not think such an interpretation can be fairly put on my recommendation. To remove all doubt however on the point, I beg to state that the funds in the hands of the Colonial Treasurer are held available for the payment of all expenditure on account of the Launceston and Western Railway that may have been recommended by the Directors and Commissioners of the Launceston and Western Railway and approved by the Governor in Council previous to the 11th March instant; and I trust that your Directors and the Commissioners will clearly understand that my recommendation to the Colonial Secretary was to withhold the sanction of the Government to any further recommendations for expenditure by the Directors and Commissioners until a detailed statement of the outstanding liabilities under existing approvals of expenditure by the Governor in Council was forwarded to the Hon. the Colonial Secretary for the information of the Executive Government.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

HENRY DOWLING, *Esq., Secretary.*

ERROR IN CERTIFICATE AS TO STATION EXTENSION, DESCRIBED AS LONGFORD INSTEAD OF EVANDALE. Nos. 1173 to 1181.

1173.

*Launceston and Western Railway Company, Limited,  
Launceston, 17th February, 1872.*

SIR,

I HAVE the honor to enclose two certificates, £235 and £188 3s. 6d., and I shall be obliged if you will cause the Union Bank Manager here to be informed by telegram, on Monday morning, that remittance will be made by Tuesday morning.

Yours, &c.,

*The Hon. the Colonial Treasurer.*

(Signed) H. DOWLING, *Secretary.*

1174.

19th February, 1872.

SIR, I HAVE the honor to inform you that a cheque has been sent to the Union Bank of Australia by this post for the sum of £395 16s. 2d., which amount will be placed to the credit of the Directors and Commissioners at the Bank.

The cheque is on account of the following works; viz.—

	£	s.	d.
Iron work for wagons . . . . .	188	3	6
Work at Longford Station . . . . .	207	12	8
	<u>£395</u>	<u>16</u>	<u>2</u>

You will observe that the sum remitted on account of Station work at Longford is £207 12s. 8d. instead of the amount named in your certificate, £235, the sum of £207 12s. 8d. being the unexpended balance under the authority named by you.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

H. DOWLING, *Esq., Secretary.*

1175.

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Station, 20th February, 1872.*

THE certificate should be for Evandale extension; authority Four hundred; previous payments One hundred and fifty-four pounds fourteen shillings. Launceston Longford completed.

(Signed) H. DOWLING, *Secretary.*

*The Colonial Treasurer.*

1176.

TELEGRAM.

*February 20, 1872, 11:30 A.M.*

I AM in receipt of your telegram informing me that the certificate you sent yesterday, stating that Two hundred and ninety-five pounds was due for work at the Longford Station, should have been for work at the Evandale Station. Under these circumstances you must send me a fresh certificate, and on receipt of which a further remittance will be made, and the old certificate will then be cancelled and returned to you.

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

H. DOWLING, *Esq., Secretary.*

1177.

*Launceston and Western Railway Company, Limited,  
Launceston, 20th February, 1872.*

SIR,

I DULY received your telegram. The insertion of the word Longford in lieu of Evandale, in Certificate No. 201, being a clerical error only, you will perhaps not object to return it for correction, such correction being initialled by Commissioners. If not, please return.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Treasurer.*

1178.

TELEGRAM.

February 21st, 1872, 11.50 A.M.

THE certificate you sent down on Monday last, stating that £235 was due for works on the Longford Station, would have been returned on Monday night for further information, but as you requested the amount to be remitted by that night's post I deemed it expedient to remit to the Union Bank the sum of £207 12s. 8d., being the balance I found available for expenditure on the works at the Longford Station. The certificate therefore cannot now be altered, but if you will just be good enough to comply with the request conveyed to you in my telegram yesterday and send me down a fresh certificate for the £235 on account of works at Evandale Station, a further remittance for £27 7s. 4d. will be sent to the Union Bank, and the certificate you sent me last Monday will be returned to you.

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*H. DOWLING, *Esq., Secretary.*

1179.

*Launceston and Western Railway Company, Limited,  
Launceston, 20th February, 1872.*

SIR,

I HAVE the honor to acknowledge receipt of your telegram, and now hasten to supply new certificate. My only reason for asking if the former could be returned for correction was the expectation of delay in getting a new one signed. Mr. Bartley being in town to-day, I have been able to obtain the necessary signatures at once.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Treasurer.*

1180.

20th February, 1872.

SIR,

I HAVE the honor to acknowledge the receipt of an amended certificate for the payment of £235 on account of Station extensions at Evandale instead of Longford, as erroneously described in your former certificate; and I beg to inform you that a cheque has been sent to the Union Bank, Launceston, for the sum of £27 7s. 4d., which with the amount paid under your former certificate, now cancelled, will make the sum required to meet the claim on account of the Evandale Station, viz., £235.

In your telegram of the 29th instant you state that the amount paid under the vote for the Evandale Station is £154 14s. 0d., whereas the records in this Office only show the payments to date to be £242 1s. 0d.

I have, &amp;c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*H. DOWLING, *Esq., Secretary.*

1181.

*Launceston and Western Railway Company, Limited,  
Launceston, 1st March, 1872.*

SIR,

I OBSERVE in your letter of the 20th ultimo that, in referring to the amount paid under the vote for the Evandale extension, you remind me that there is a considerable difference between the figures given in my telegram of 20th ultimo and those in the records in your Office. I have the honor to remind you that the sum of £1475 8s. 9d. transferred from London to this account has been operated upon for payments made by Company and Commissioners, and will be duly accounted for to the Auditor.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Treasurer, Hobart Town.*

"DOUGLAS AND COLLINS," *RE* INTEREST. Nos. 1182 to 1185.

1182.

A.

*Launceston, 25th April, 1872.*

SIR,

A SUMMONS has been issued at your instance, as Colonial Treasurer, against the Launceston and Western Railway Company (Limited), for £36,000 for Interest on Bonds.

The Directors cannot understand what object you have in view in taking these proceedings without first communicating with, or informing them what the Government required at their hands.

You are, we presume, aware that the only letter received on this subject was one from the Crown Solicitor, asking for the name of the Company's Solicitor, and then serving the summons on the Secretary of the Company after the Solicitor had been named.

If you think it desirable, and that any good end can be attained, our Mr. Douglas is authorised to proceed to Hobart Town to confer with you on the subject.

You will clearly understand that the Directors of the Company in no way wish to interpose difficulties or obstructions in the way of the Government in this matter, but rather to assist in carrying out such arrangements as may be beneficial for all interests concerned.

We are, &c.,

(Signed) DOUGLAS & COLLINS.

*The Hon. T. D. CHAPMAN, Esq., Colonial Treasurer.*

IN THE SUPREME COURT  
OF TASMANIA.

*The Honorable THOMAS DANIEL CHAPMAN, being and as Colonial Treasurer  
of Tasmania, Plaintiff;*

AND

*The Launceston and Western Railway Company, Limited, Defendants.*

THIS is the Letter marked A. referred to in the Affidavit of Robert Patten Adams, sworn before me this eighth day of May, 1872.

H. J. BUCKLAND,

*A Commissioner of the Supreme Court of Tasmania.*

1183.

*Colonial Treasury, Hobart Town, 27th April, 1872.*

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter of the 25th instant, in reference to the proceedings taken by the Government for the recovery of the Interest due by the Directors of the Launceston and Western Railway Company on their Bonds to the Government.

In reply, I have the honor to inform you that it is very satisfactory to myself and colleagues to learn that the Directors of the Company in no way wish to interpose difficulties or obstructions in the way of the Government, but will rather assist in carrying out such arrangements as may be beneficial for all interests concerned.

At the present time I do not see that any good end could be attained by your Mr. Douglas coming to Hobart Town to have a personal interview with me on the subject.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

*Messrs. DOUGLAS and COLLINS, Solicitors, Launceston.*

1184.

B.

Launceston, 29th April, 1872.

SIR,

WE have received your letter of the 27th instant, in reply to one from us of the 25th instant.

This letter is peculiar in terms, and seems not to convey any reply to ours, but merely an expression of opinion by the Government as to the conduct of the Directors, and which opinion had nothing to do with our letter.

The effect of your letter is just this,—that you leave the Directors no alternative but to enter an appearance to the Summons, in order that, by some means or another, they may learn what the Government intend doing, or desire to do.

Before an appearance is entered, and the action defended, we have again to request you to inform us as to the object of your proceedings.

Do you want the Line to be given up?

Do you want the management to be handed over to the Government?

Yours, &amp;c.,

(Signed) DOUGLAS &amp; COLLINS.

T. D. CHAPMAN, *Esq.*, Colonial Treasurer.IN THE SUPREME COURT  
OF TASMANIA.

*The Honorable THOMAS DANIEL CHAPMAN, being and as Colonial Treasurer of Tasmania, Plaintiff;*

AND

*The Launceston and Western Railway Company, Limited, Defendants.*

THIS is the Letter marked B. referred to in the Affidavit of Robert Patten Adams, sworn before me this eighth day of May, 1872.

H. J. BUCKLAND,

A Commissioner of the Supreme Court of Tasmania.

1185.

Colonial Treasury, Hobart Town, 1st May, 1872.

GENTLEMEN,

I HAVE the honor to acknowledge the receipt of your letter of the 29th ultimo, in which you inform me that the effect of my letter of the 27th ultimo is to leave the Directors of the Launceston and Western Railway Company no alternative but to enter an appearance to the Summons, in order that, by some means or other, they may learn what the Government intend doing, or desire to do; but before an appearance is entered and the action defended, you have again to request that I will inform you as to the object of the proceedings; viz.—

Do I want the Line to be given up?

Do I want the management to be handed over to the Government?

In reply, I have the honor of informing you that the Government have no desire to take over the Railway, or to take the management over into their hands; but, as the interest due to the Government now amounts to a very large sum, it was deemed expedient to instruct the Law Officers of the Crown to take proceedings against the Company, and thereby protect the public interests.

As the matter is now in the hands of the Solicitor-General, I would suggest that it would be more desirable that any further communication in reference to this subject should be addressed to that gentleman.

I have, &amp;c.,

(Signed) THOS. D. CHAPMAN, Colonial Treasurer.

Messrs. DOUGLAS and COLLINS, Solicitors, Launceston.

APPLICATION FOR ACCOUNTS 1871-2 FOR PUBLICATION IN *GAZETTE*.

Nos. 1186 AND 1187.

**1186.**

*Colonial Treasury, Hobart Town, 30th May, 1872.*

SIR,

I HAVE the honor to forward herewith copies of the accounts furnished by your Company and published in the *Gazette* of the 30th January last.

As "The Launceston and Western Railway Act, No. 5," requires that half-yearly accounts of your Company shall be transmitted to the Colonial Treasurer every half-year for publication in the *Gazette*, I have the honor to request that you will be good enough to forward to me in time for publication in next Monday's *Gazette* the accounts for the last half-year.

The accounts had better be furnished in the same form as those for the half-year ending 16th September, 1871, marked A. and B. in red ink on the printed Return herewith enclosed.

I have, &c.,

(Signed) THOS. D. CHAPMAN, *Colonial Treasurer.*

H. DOWLING, *Esq.*, *Secretary.*

1187.

*Launceston and Western Railway Company, Limited,  
Launceston, 4th June, 1872.*

SIR,

I HAVE the honor to transmit herewith half-yearly statements of the accounts of this Company as requested in your communication of 30th ultimo, and to express my regret that through inadvertence they were not forwarded to you on Saturday last.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Treasurer, Hobart Town.*

LAUNCESTON AND WESTERN RAILWAY COMPANY, LIMITED.

## BALANCE SHEET, 1871-72.

Dr.	BALANCE SHEET, 1874-75.			Cr.			
CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
	£	s.	d.		£	s.	d.
Capital Account.....	53,840	0	0	Union Bank—Balance to Company's account.....	489	6	1
Bonds to the Government.....	400,000	0	0	Ditto ditto Company and Commissioners' account.....	20	14	2
W. S. Button, R. Green, W. D. Grubb, and others.....	1196	3	0	Bills receivable—Promissory notes on hand.....	3500	5	3
Loan upon security of duplicate machinery.....	750	0	0	Construction account,—Paid contracts, &c.....	£399,343	0	4
Sundry creditors ..	177	8	0	Interest on debentures ....	48,000	0	0
Revenue Account.....	1074	8	0		447,343	0	4
				Colonial Treasurer—Balance in hand....	2860	13	6
				Suspense account.....	178	19	6
				Sundry Shareholders.....	1329	10	0
				Ditto outstandings.....	196	16	6
				Stores on hand.....	1118	13	8
	£457,037	19	0		£457,037	19	0

H. DOWLING, *Secretary.*

R. W. LORD, *Accountant.*

*Launceston, 10th April, 1872.*

We have examined this Balance Sheet of the Launceston and Western Railway Company, Limited, and have compared it in every particular with the Account Books and Vouchers of the Company, and we hereby certify that it is correct.

MATT. TYSON, } *Auditors.*  
JOHN REID, }

**MEMORANDUM.**—Eighteen months' interest on bonds to the Government due on 1st February £36,000.

**RICHARD GREEN, *Chairman.***

## LAUNCESTON AND WESTERN RAILWAY.

*REVENUE and EXPENDITURE Half-year ending 16 March, 1872.*

Train Miles, 42,496. Cost per Train Mile, 3s. 4·18d.

Expenditure.			Receipts.		
Dr.	£	s. d.	Cr.	£	s. d.
To Locomotive Power .....	2197	17 5	By Passenger Receipts .....	3964	18 11
Coaching and Traffic Charges .....	1906	12 1	Parcel ditto .....	186	13 10
Police, Gatemen, and Pointsmen .....	162	9 5	Goods ditto .....	2284	12 10
General Charges .....	967	11 4	Rents, Mails, &c. ....	283	18 2
Law Charges, &c. ....	48	8 9	Telegraph .....	15	17 7
Maintenance of Way .....	1740	10 1	Balance from last half-year .....	1455	19 9
Station Repairs .....	3	12 0			
Mail delivery .....	83	12 0			
Compensation .....	7	0 0			
Balance .....	1074	8 0			
	<u>£8192</u>	<u>1 1</u>		<u>£8192</u>	<u>1 1</u>

H. DOWLING, *Secretary.*  
R. W. LORD, *Accountant.*

## LAUNCESTON AND WESTERN RAILWAY CORRESPONDENCE.

*(Supplementary to Paper No. 22.)***1188.**

BY ELECTRIC TELEGRAPH.

*Launceston and Western Railway Office, 1st July, 1872, 10.25 A.M.*

UPON my own responsibility I venture to submit whether the Government might not at once authorise the proposed aid for repairs in the hands of the Company and Commissioners, so that I may put on the necessary men under the Inspecting Surveyor, secure the banks and cuttings on this side Evandale, and see to the keeping up the permanent way throughout. Very heavy rain fell yesterday; and the Inspecting Surveyor has just waited upon me to repeat that, whatever the future management of the Line, every hour of neglect now will involve incalculable expense hereafter, at the same time risk is being run of very serious damage occurring. If he could be allowed, he would put on two large gangs of men at once: even this could be done at a cost within £150 per week.

H. DOWLING.

*The Hon. the Colonial Secretary.***1189.**

BY ELECTRIC TELEGRAPH.

*Launceston, 1st July, 1872.*

THE trains have ceased to run this morning. No communication—official or otherwise—has been made to the Commissioners by the Secretary of Launceston and Western Railway Company relative to their intention to stop the running of trains.

(Signed) S. V. KEMP.  
R. C. GUNN.*The Hon. the Colonial Secretary.***1190.**

BY ELECTRIC TELEGRAPH.

*1st July, 1872.*

OBTAIN from the Telegraph Office Mr. Dowling's message to me of this day. Report carefully on the condition of the Line therein referred to before 3 o'clock to-morrow, with a special reference to Inspecting Surveyor's opinion.

(Signed) J. M. WILSON.

S. V. KEMP, Esq., Launceston.

**1191.**

BY ELECTRIC TELEGRAPH.

*Launceston, 1st July, 1872, 5.37 P.M.*

HAVE made arrangements to go over the Line at daylight to-morrow, and will, if possible, forward my report by the time named in your telegram.

(Signed) S. V. KEMP.  
*Launceston.**The Hon. the Colonial Secretary.*



*Launceston, 2nd July, 1872, 2:58 P.M.*

I HAVE seen Mr. Dowling's message to you of yesterday. I have also perused Mr. Tidy's, the Surveying Inspector's report. At an early hour this morning, in company with Mr. Tidy, I went over that portion of the Line which now causes the greatest anxiety. I found the damages on the Line in a much worse state than when I last visited and reported upon it on the 26th ultimo. Damage has been sustained at 35 Cutting from constant slips, one portion having spread itself over the ballast; but the cutting is a long one, and portions have not given way. 36 bank has subsided slightly; a little immediate attention will arrest further damage. Cutting 38, known as the Big Cutting, is still on the move and forcing the rails out of level, but it is not worse than I anticipated, and as I have already advised it will for some time to come be a recurring expense. Bank No. 40, where the slip occurred, is not very much worse. This is the portion that requires the most immediate attention, as an outlay at the present time will prevent a much heavier call in the future. It would not be safe for the passage of an engine over it in its present state. No. 42 bank is still subsiding, having gone down two feet since my last report. This bank is now about three feet out of its original level. The cuttings from Launceston to the Evandale road have more or less in some places slipped down into the side drains. The drainage is therefore stopped. This will have to be attended to. The Line from Evandale road on to Deloraine, with the exception of 63 cutting and a few minor places, is in good order; it therefore requires but little extra labour, saving the exceptions now given: the running surface, *i.e.* the top of the rails, is in better order than it was last year, and had the engine gang been continued and a few extra Line repairers employed much damage now advised might have been averted: this could have been done well within the offer you made to the Directory of the Company in your letter of the 13th ultimo, and the Line continued open. With regard to the cost of now repairing the Line and making all the damages good, I have to advise thus:—To put the Line into an efficient state to enable it to be again opened, and to be continued open, it will require a gang of 40 men and an engine and six waggon to be continually employed for about two months: the Line, however, might be made passable for a train over any portion of it in two days; the necessary permanent repairs going on simultaneously with the traffic. In round numbers the cost of this will be about eight hundred pounds. If asked, details will go forward. If this amount be expended, the maintenance charges during the summer months would be considerably decreased in consequence of such expenditure. To simply keep the Line and works from sustaining further damage, in other words to arrest deterioration, a sum of about One hundred pounds would suffice. The expenditure would be principally upon No. 40 bank and keeping the drainage open at other parts of the Line; and if the Line is not to be re-opened at once I should not recommend any further outlay. You will note that my present advice is in regard to the cost of repairs in some respects different from my report of the 26th ult. I explain this by mentioning that the neglect has in a great measure caused increased damage; and in case of unforeseen circumstances and bad weather I have desired to be liberal in my estimate; still it is very difficult to determine such an estimate, there is an absence of data; the whole is based from a careful and well-weighed observation.

(Signed) S. V. KEMP.

*The Hon. the Colonial Secretary.*

*Colonial Secretary's Office, 3rd July, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your Telegram, dated the 1st instant, suggesting the advance of public money to the Company, in order to prevent the Line from falling into further disrepair.

Your Telegram was referred to Mr. Commissioner Kemp, who has reported on the present condition of the permanent way.

The relative positions of the Government and the Company may be stated as follows:—

The Government has obtained a judgment against the Company, for interest due on the Company's Bonds advanced from the Colonial Treasury, to the extent of Thirty-six thousand and forty-one pounds nine shillings and seven pence.

The Company is unable, and admits its inability, to keep the permanent way in proper repair.

The Company is without funds to pay, and has discharged, its working staff.

The traffic on the Line is suspended, and, in the present state of the permanent way, could not be resumed without a large outlay.

The Company has no funds or income beyond the ordinary traffic receipts of the Line, and these have hitherto proved insufficient to pay working expenses, and keep the permanent way in repair.

Under these circumstances the Government cannot be expected to advance, or to move Parliament to authorise an advance, of public money to the Company, except upon conditions that would place the Railway and Works under the control and supervision of the Government.

I need not remind you that the judgment recently obtained by the Colonial Treasurer empowers the Government to take the Railway and Works in execution immediately.

I have, therefore, to request that you will invite the Directors to consider whether it is not desirable that they should at once surrender the Railway and Works to the Government.

Should that course be adopted, Government will be prepared to cause the Line to be immediately repaired and traffic resumed as soon as practicable, with a view to the protection of the public interests and of the Landholders of the Launceston and Western Railway District.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, Esq., Secretary.

1194.

BY ELECTRIC TELEGRAPH.

Launceston, 4th July, 1872, 3.18 P.M.

I HAVE the honor to acknowledge the receipt of yours of yesterday, and have convened meeting of Directors for morning. Appears to me that they can do nothing in the direction indicated without a legally convened meeting of Shareholders, (this will occupy twelve days,) meantime in the interests of Colony allow me most respectfully again to urge a provision for the Company and Commissioners. I did not put it as your letter implies, an advance to the "Company" alone to effect repairs, for two or three spots are suffering terribly from delay to the great future cost to the country.

(Signed) H. DOWLING, Secretary.

The Hon. the Colonial Secretary.

1195.

TELEGRAM.

Launceston, 5th July, 1872.

RESULT of Meeting of Directors. Present—Messrs. Green, Robertson, Fisher, Button, Tyson, Webster, Kemp, Gibson, Weedon, Gunn. Letter read. Commissioners withdrew. Discussion followed. Resolved unanimously—1. That the Honorable the Colonial Secretary be informed that this Board has no legal authority to adopt the course proposed without the consent of the Shareholders. 2. That no Meeting convened on less than ten days notice can be deemed a *legal meeting of the Company*; but looking to the important interests affected by delay, the Secretary be hereby instructed to convene a meeting of Shareholders for Monday next for the purpose of taking into consideration the said communication, and further an extraordinary general Meeting of the Company for the 16th July instant. 3. That the Honorable the Colonial Secretary be asked to state on what terms the Executive Government propose the Company shall yield their interest in the Railway. That the Directors are prepared to recommend the course suggested if fair and equitable terms can be arrived at with reference to the interests of the Shareholders, whose contributions to the promotion of this work deserve the favourable recognition of the Government. 4. That the delay in referring this question to the Shareholders will be seen is unavoidable; and that the Board of Directors earnestly recommend the Executive to accept the Memorandum addressed by the Secretary to this Company to the Colonial Secretary on the 1st instant, and place funds at the disposal of the Company and Commissioners for the commencement at least in the repairs of the banks and slopes referred to, which it is to the evident interest of the country at large should not be allowed to fall into further disrepair, to which they are especially liable at this season of the year. 5. That in communicating this Resolution to the Colonial Secretary his attention be respectfully invited to the fact that the £50,000 subscribed in furtherance of the Launceston and Western Railway was directed by Parliament to be expended in construction before any of the proceeds of the Debentures were disbursed; and that, therefore, the Company has been necessarily dependent on "traffic receipts" for the working of the Line.

(Signed) H. DOWLING,  
Launceston.

The Hon. the Colonial Secretary.

*Colonial Secretary's Office, 8th July, 1872.*

SIR,

I HAVE the honor, in reply to your Telegram of the 5th instant, to acquaint you that the Government can offer no other terms than those indicated in the Treasurer's Financial Statement.

The Government has already announced in the House of Assembly its intention to ask the sanction of Parliament for an expenditure of money sufficient for the repair of the Line; and I deem it unlikely that the question of outlay for repairs can be seriously affected by the few days' delay involved in the assembling of an extraordinary meeting of Shareholders. In any case assistance from the Treasury must now depend upon the action of Parliament.

I enclose, herewith, for the information of the Directors copies of Resolutions which will be submitted to the House of Assembly, embodying the views of the Government on the question of the complications which have arisen through the disabilities of the Launceston and Western Railway Company.

The Government sincerely sympathises with the Shareholders, as emphatically expressed in the Treasurer's Financial Statement,—but in the present position of affairs, Ministers could not propose to Parliament, with any prospect of success, that the Shareholders should be reimbursed any portion of their loss, so long as the Landholders of the Railway District are liable to an annual charge for interest on the Company's Bonds.

In their capacity of Landholders of the Railway District, the Shareholders will participate in the advantage of a reduction of that charge by a sum of £9000 per annum, should the arrangements submitted to the House of Assembly on Friday last receive—as the Government hopes and believes they will receive—the approval and sanction of Parliament.

The Government has not lost sight of the fact that the subscribed capital was expended on construction in terms of the Launceston and Western Railway Acts, and that “therefore the Company has been wholly dependent on traffic receipts” for the working of the Line. But I may be allowed to remind you that Parliamentary sanction was originally granted for the construction of the Line with the aid of the Public Credit of the Colony, on the confidently expressed assurance of its promoters, “that sufficient revenue will be obtained within a short period after the opening of the Line to pay the ordinary current expenses, and the annual interest of Twenty-four thousand Pounds on capital invested.” (See Report of Joint Committee on Deloraine Railway 1863, Sir Richard Dry Chairman.)

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary.*

## LAUNCESTON AND WESTERN RAILWAY CORRESPONDENCE.

*(Supplementary to Paper No. 22.)*

1197.

*Launceston and Western Railway Company (Limited),  
Launceston, 8th July, 1872.*

SIR,

NOTWITHSTANDING the decision already conveyed to this Company, I feel impelled by a strong sense of duty to the Government, and to the Country at large, to inform you that the report made by Mr. Tidy this afternoon with respect to the condition of the banks near Evandale are still more unfavourable, notwithstanding that we have had the advantage of fine weather during the past week; and if they are not attended to before the rain again sets in, the Government will be involved in very largely increased expenses, which may be avoided by a small outlay at once. Bank 40, Mr. Tidy is of opinion will go so far as to carry the culvert with it,—but this may be saved by prompt attention, and at a very small outlay.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*(Signed) H. DOWLING, *Secretary.*

1198.

*Launceston and Western Railway Company, Limited,  
Launceston, 8th July, 1872.*

SIR,

I HAVE the honor to advise that, in pursuance of an advertisement duly published in the newspapers, a Meeting of Shareholders was held to-day in the Mechanics' Institute at Launceston to consider your letter of the 3rd instant, in which you ask the Directors "to consider whether it is not desirable that they should at once surrender the Railway and Works to the Government."

The Meeting was attended by a large proportion of the whole number of Shareholders, and the following Resolutions were adopted:—

1. That, inasmuch as the Launceston and Western Railway Company are unable to keep the permanent way in repair, in addition to meeting current expenses, and Government having refused to render sufficient pecuniary assistance for that purpose, and taking into consideration the large extent of public land given by Government to the promoters of the Mersey and Deloraine Company, (of greater value than the amount expended by the Company), as an encouragement to them for having invested their money in the undertaking; and also that the Main Line Railway is to be undertaken at the cost of the country generally,—this Meeting is of opinion that the same liberality should be extended to the Shareholders of the Launceston and Western Railway Company as that to those of the Mersey and Deloraine Company, and to the scheme of the Main Line; and, therefore, that this Line be handed over to the Government, as suggested by the Colonial Secretary in his letter of the 3rd instant, *on condition* that all salaries of officials now due and other liabilities of the Company are paid, and a full release given to the Shareholders for any arrears of interest supposed to be payable by them on the Railway Bonds; and that the Shareholders be fairly and equitably dealt with in regard to the amount subscribed by them towards the construction of the Work.

2. That the Directors prepare a Memorial to the Governor in Council setting out the whole of the facts in connection with the legislation on the Railway, and of the subscriptions of the Shareholders arising therefrom, with the Resolution adopted by this Meeting; and that the Chairman of Directors sign the same on behalf of the Shareholders and transmit the same to the Colonial Secretary.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*(Signed) H. DOWLING, *Secretary.*

1199.

*Colonial Secretary's Office, 11th July, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letters of the 8th instant, in one of which you advise me of a meeting of Shareholders held that day, and transcribe the Resolutions adopted; and also forward as an enclosure a Memorial addressed to His Excellency the Governor embodying the Resolutions in question\*, and "setting out the whole of the facts in connection with the legislation on the Railway, and of the subscriptions of the Shareholders arising therefrom;" and praying that His Excellency will adopt such measures as shall ensure to the subscribers fair and equitable consideration of their claims.

\* See Paper No. 45.

In reply, I beg to acquaint you that the Memorial of the Shareholders was at once communicated to the House of Assembly, thus affording an opportunity for its consideration while the Resolutions proposed by the Government to afford certain relief to the Railway District are under discussion.

With reference to your second letter directing my attention to the still more unfavourable condition of the banks near Eyandale, and suggesting immediate repairs to the permanent way, I can only reiterate the opinion I have before expressed that assistance from the Treasury must now depend upon the action of Parliament.

I have, &c.,

(Signed)

J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary*.

1200.

BY ELECTRIC TELEGRAPH.

*Launceston, 27th June, 1872, 3.42 P.M.*

MEETING of Shareholders largely attended. The tenor of the meeting was favourable to the Directors. Opinions expressed that Government ought to have given more liberal terms than was conveyed in letter of the 13th instant. Not a word was mentioned about the levying the rate. Your letter received this morning had to be asked for, and was reluctantly produced. Resolution passed that the Directors should close the line on Monday next unless the Government provide the necessary means to carry on the business of the line. Resolution passed that the Directors, in refusing the offer of assistance by the Government on the conditions proposed by the Colonial Secretary, adopted a course which this meeting fully approves. Mr. Scott reviewed the whole proceedings, and spoke in favour of the Government as being amenable to Parliament for all their acts. He also moved a vote of censure upon the Directory and condemned their proceedings, which motion was not seconded.

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

1201.

BY ELECTRIC TELEGRAPH.

*Launceston, 4th July, 1872, 5.10 P.M.*

To prevent misconception, in event of Mr. Kemp having sent a telegram to you as threatened just now, I have the honor to state that, having convened a meeting of Directors for to-morrow morning to consider your letter of yesterday, I refused the demand of Mr. Kemp to have your letter, having incurred some reproof last week arising from my letting Mr. Kemp have a copy of a letter from you before I had submitted it to the Board; and I believe you will consider that in my capacity I have acted rightly. To-morrow Mr. Kemp can have the letter.

(Signed) H. DOWLING.

*The Hon. the Colonial Secretary.*

1202.

BY ELECTRIC TELEGRAPH.

*Launceston, 9th July, 1872, 2.52 P.M.*

I HAVE just learned from a reliable source that No. 40 embankment is showing indications of a further slip. If it would not be interfering with any of the arrangements of the Government, I would strongly recommend that authority should be granted, through the Commissioners, to expend only just sufficient to arrest any further damage at this point—limiting the expenditure to sixty or seventy pounds. If wet weather were to set in, and this bank were to sustain any further injury, it would cost a considerable sum to make it good again, and may delay the re-opening of the Line a month or more.

(Signed)

S. V. KEMP.

*The Hon. the Colonial Secretary.*

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1203.

*Colonial Secretary's Office, 12th July, 1872.*

SIR

I HAVE the honor to forward to you herewith copies of the Resolutions passed on Thursday by the House of Assembly on the subject of the Launceston and Western Railway Company and District. You will observe that the last Resolution reserves to the Shareholders a contingent interest in the profits of the Line when in any year the net earnings exceed an amount of £27,000.

I trust that under these circumstances, as there can be no doubt of the action of the House of Assembly being sustained by the Legislature, the Directors and Shareholders will recognise the advisability of complying with the application for the surrender of the Railway and works to the Government, contained in my letter to Mr. Dowling under date the 3rd instant.

I have, &c.,

(Signed) J. M. WILSON.

R. GREEN, Esq., *Chairman Launceston and Western  
Railway Company.*

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1204.

TELEGRAM.

*Launceston, 16th July, 1872, 3.25 P.M.*

THE Chairman of the Company directs me to acknowledge receipt of your letter of the 12th instant, and to inform you that at the weekly meeting of Directors to-day the Directors unanimously agreed to recommend to the Shareholders on the 19th instant acceptance of proposals in your sixth resolution, if the Government agree to pay the liabilities of the Company *on account of working of the Line*; the Company reserving the right to apply to Parliament at any time for a grant of land under "The Waste Lands Act, 1863," in consideration of the money expended by the Company. He directs me further to say that the wages and accounts will amount to £1630 11s. 3d., presuming the officers to have a claim for the *past* fortnight. The stores on hand represent £1440, including duplicates.

(Signed) H. DOWLING.

*The Hon. the Colonial Secretary.*

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1205.

*Launceston and Western Railway Company, Limited,  
Launceston, 17th July, 1872.*

SIR,

*Re BANKS AND CUTTINGS.*

THE Report of Mr. Tidy, yesterday, shows such serious developments in these works, especially as respects the Big Bank (Cameron's) and No. 40, that at the risk of being deemed unnecessarily officious I feel it my duty to forward a copy of this Report for your information.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

(Copy.)

*Launceston, 13th July, 1872.*

DEAR SIR,

I RETURNED from Deloraine this morning, and beg to report the Permanent Way in bad order in many places, more particularly on the curves which are getting very much out of line, and an uneven top, and in my opinion far from safe for the engine to run over. The water was overflowing the ballast at 30½ miles, and in all probability will do some damage; I pointed this out to the driver and guard, and they will be cautious in passing this on their return this evening.

There is some damage done to the wooden bridge at 29 miles 60 chains; the sheet piling has given way on the upper side, and should have immediate attention.

No. 42 Bank very much worse: I had the fish-plates taken off the rails at both ends of the slip, so that the rails may not get damaged.

No. 40 Bank still getting worse: there is every appearance of a very heavy slip, unless there is some action taken to prevent it. This may be a very expensive job yet.

The Big Cutting and Bank are both much worse than they were on Tuesday last. The outlet to the Culvert at the Big Bank should have prompt attention,—the flood has washed away the pitching at the end of the cradle, and this must weaken the retaining wall. Should this wall go, the Big Bank must follow.

The outlet to pipe at 8 miles 53 chains should have immediate attention.

The outlet to pipe at No. 36 Bank is very bad: this bank is bound to go unless there are steps taken at once to prevent it.

I think it would take eight or ten days work before an engine could get over this part of the Line.

I have, &c.,

(Signed) THOS. TIDY, *Inspecting Surveyor.*

*To the Secretary Launceston and  
Western Railway.*

## 1206.

TELEGRAM.

*Launceston, 18th July, 1872, 12.25 P.M.*

SHOULD have deferred report of Shareholders' meeting for post, but you may desire to have it to-day: I therefore enclose the resolutions. The Hon. the Colonial Secretary having in a letter dated 3rd July invited the Directors of the Launceston and Western Railway Company, Limited, "to consider whether it is not desirable that they should at once surrender the Railway and Works to the Government, and the House of Assembly having resolved that the Colonial Treasurer should be authorised to take immediate steps to obtain possession of the Railway and Works, and that upon possession being obtained the Line should be at once put in order and re-opened for traffic under the direct control of the Government and without the intervention of the Company, and that when in any year the net earnings or profits of the said Railway exceed an amount equal to £27,000 such excess shall be carried to a separate account to the credit of the Shareholders of the Launceston and Western Railway Company, Limited, who shall be entitled to all such excess," the Directors are hereby authorised to surrender the Railway and Works of the Company to the Government on condition that when in any year the net earnings or profits of the said Railway exceed an amount equal to £27,000 such excess shall be carried to a separate account to the credit of the Shareholders of the Launceston and Western Railway Company, Limited, who shall be entitled to all such excess, and provided that the Government in taking over the said Railway and Works pay all debts incurred in the purchase of stores on hand and in the management and working of the Railway for what the Company is liable to the date of surrender; it being understood that the Shareholders reserve to themselves the right of hereafter applying to Parliament for a grant of land or other concession in consideration of the moneys contributed by them in the construction of the Railway. In making the surrender of the Railway and Works to the Government the Directors are requested to arrange, if they see fit, for the use of a room at the Station as the registered office of the Company, and to retain possession of all account and letter books, correspondence, and other documents of the Company, together with requisite office furniture, safe, and bookcase.

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

## 1207.

*Launceston and Western Railway Company, Limited,  
Launceston, 18th July, 1872.*

SIR,

I HAVE the honor to inform you that, in anticipation of the time arriving when the repairs can be commenced under the sanction of Parliament, I have addressed the enclosed letter to the Inspecting Surveyor, Mr. Tidy, and have his reply also enclosed for the information of the Government. No. 35 Cutting to which he refers is that in which he recommended a rubble wall, weighted heavily at the top, described in diagram at p. 49 Parliamentary Papers.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

(Copy.)

*Launceston and Western Railway, Launceston, 17th July, 1872.*

DEAR SIR,

You will please prepare a Report fully setting out the arrangements you propose for the repairs of the Line, detailing the order in which you will take the several jobs now awaiting attention, with an approximate estimate of the whole. I do not propose to recommend any departure from the practice you have hitherto followed in respect to these requirements,—that is, meeting them as they are developed, without engaging in expensive additions or improvements not immediately required.

Mr. TIDY.

Yours truly,

(Signed) H. DOWLING, *Secretary.*

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 18th July, 1872.*

DEAR SIR,

IN answer to yours of the 17th instructing me to send you a Report on the state of the Works, and how I would propose to put them in order, &c., I beg to inform you that it will be necessary to take part of the first slip in 35 Cutting first, as this obstructs the way: this made good, we should at once attend to the outlet to pipes at 36 and 37 Banks, and outlet to culvert at 38 Bank. Our next job should be the slip on 40 Bank, after this 42 Bank. To make the above secure will take the Engine and a gang of 40 men from 8 to 10 days; all other repairs can be done after the Line is open for traffic. It is difficult to estimate the cost of this work correctly as it is so very much broken up; but it is my opinion to clean up the Cuttings and repair the Banks, it is not possible to get them done for less than £800, it is more likely to be something above than below.

This estimate only refers to actual damage; no allowance made for additions or improvements, which in my opinion should have some attention, for there are many places with a little attention in the way of improvements now will save many pounds hereafter. I have only to refer you to 35 Cutting to illustrate the fact; 40 Cutting will be very bad next winter unless there is something done with it the coming summer.

You can rely on my getting the above work done with economy consistent with stability.

I have, &amp;c.,

(Signed) THOS. TIDY, *Inspecting Surveyor.**The Secretary Launceston and Western Railway.*

## 1208.

BY ELECTRIC TELEGRAPH.

19th July, 1872.

BEFORE finally deciding on the application contained in your telegram of the 16th instant relative to payment of £1630 11s. 3d. wages and accounts, and £1440 for stores including duplicates, I have to request that you will forward to me an account in detail of the wages due; also outstanding accounts and stores on hand.

(Signed) J. M. WILSON.

H. DOWLING, *Esq., Launceston.*

## 1209.

*Launceston and Western Railway Company, Limited,  
Launceston, 19th July, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your telegram requiring details of stores on hand and of accounts due by the Company, and which I have put in hand. I hope by Monday night to get the stock out complete.

May I venture to express the hope that a favourable reply to the memorial of the workmen, lately forwarded to His Excellency, may not have to await the supply of these details, but that the sum of £398 10s. 8d. may be provided for this payment. Some of the men are in very indigent circumstances, and have been restrained with difficulty from applying to the Police Magistrate to order them payment; which, I am legally advised, they could have obtained by a sale of stores, which would have proved a great loss to the Government service.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.*



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1210.

*Colonial Secretary's Office, 22nd July, 1872.*

SIR,

REFERRING to your telegrams and letters dated respectively the 16th, 17th, 18th, and 19th instant, with enclosures, I beg to acquaint you that the same have been printed, and will be communicated to both Houses of Parliament as a Supplement to Paper No. 22, Legislative Council, Session 1872.

I have, &c.,

(Signed) J. M. WILSON.

H. DOWLING, *Esq.*, *Secretary.*

## LAUNCESTON AND WESTERN RAILWAY CORRESPONDENCE.

*(Supplementary to Paper No. 22.)*

1211.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 20th July, 1872.*

Sir,

THE Shareholders of the Launceston and Western Railway Company having agreed to hand over the Railway and Works to the Government, and believing it to be the intention of Parliament to take over the same, pending certain arrangement of details, must be received as our excuse for again addressing you.

You are aware, from our former Reports, that several portions of the Line are in a very insecure state, more particularly Banks 36-38, 40, and 42; and if they are allowed to remain much longer, it will be impossible to form any correct estimate of the amount it may take to restore them.

Bank 40 is threatening for a further slip, and should it occur it will most assuredly carry away a portion of the brick culvert with it. The late rains have washed away a portion of the earth and stone-work from the outlet of the culvert under the Big Bank (known as "Cameron's"): this has a tendency to weaken all the works immediately above it; and, to say the least, this bank is one of the most important works on the Line, and requires at all times the closest watching.

We would therefore most respectfully suggest that no time should be lost in sanctioning an amount—say, not exceeding £250—to arrest further deterioration of such insecure works immediately after the necessary preliminaries of taking over the Line have been determined upon. The expenditure of this small amount of money may save the Country several thousands of pounds.

We have, &amp;c.

(Signed) SAML. V. KEMP.  
R. C. GUNN.*The Hon. the Colonial Secretary.*

1212.

*Launceston and Western Railway Company, Limited,  
Launceston, 20th July, 1872.*

Sir,

I HAVE the honor to wait upon you earlier than I expected with information required by your Telegram of yesterday.

The "Stock-taking" sheets I have taken the liberty to send, rough as they are, rather than lose a post,—but they are accompanied by a fair copy analysis of totals. The duplicates per *Araunah*, now in stock, have never been disturbed; I therefore give the total sum, as stated in Parliamentary Papers, p. 39, which is a copy of original invoices.

The total amount of accounts due to date is £1431 2s. 2d., and therefore somewhat under prior estimate. I have not sent forward all the tradesmen's accounts, but will do so if you wish; but have sent forward our Pay Sheets for Workmen and Officers, and Directors' Fees.

The Stores on hand, including the duplicates, amount to £1762 16s. 3d.; and the outstanding freight to collect on goods still on hand is £120; together, £1882 16s. 3d.

I beg most respectfully again to call your attention to the extreme necessity of many of the workmen and their families.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.**The Hon. the Colonial Secretary.*

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1213.

BY ELECTRIC TELEGRAPH.

*Launceston, 23rd July, 12:6. P.M.*

THE Directors are about pledging a portion of their stores to raise sufficient money to pay the labourers and line repairers who are represented to be starving.

(Signed) SAML. V. KEMP.  
R. C. GUNN.

*The Hon. the Colonial Secretary.*

1214.

BY ELECTRIC TELEGRAPH.

*Launceston, 23rd July, 1872, 12:17 P.M.*

PLEASE inform the Hon. the Colonial Secretary that the labourers' families along the Line to whom the £133 11s. 5d. is due are, in some cases, starving; and the Directors propose to get amount of this pay sheet on security of stores to prevent these being taken by process from the Police Office and sacrificed. The stores will be available for the Government on the funds for this pay-sheet being provided by Parliament. The item is the seventh on the list sent Saturday.

(Signed) H. DOWLING.

B. T. SOLLY, *Esq.*

1215.

*Launceston and Western Railway Company, Limited,  
Launceston, 23rd July, 1872.*

SIR,

I HAVE the honor now more fully to address you with reference to the question communicated by Telegram to Mr. Solly, on the Directors adjourning after their weekly meeting to-day.

It had become known to these gentlemen that many of the families of the repairers, who had not received any money for the past five weeks, were in the most indigent circumstances in the country districts,—in one or two cases without food; at the same time it had been notified in the proceedings in Parliament that it had been the intention of the Honorable the Treasurer to bring under consideration of the House of Assembly the Petition of these people. Under these circumstances the Directors adopted a resolution, which was moved by Mr. Fisher, and seconded by Mr. R. C. Gunn: "That the opinion of the Solicitors be obtained on the question whether the Directors will be justified in raising money for the purpose of paying workmen wages due, to relieve the pressing necessities of themselves and families; and, if favourable, that steps be taken to raise the money accordingly."

I am to explain to you that the position of the Government will be in no wise altered, in fact, by the pursuance of this plan. The stores in question will be at the disposal of the Railway management at once, on the funds being forthcoming for these wages, in pursuance of the proposal of the Shareholders; whilst the great advantage will have been gained of relieving a number of necessitous families, and preventing proceedings in the Police Office, which had been already threatened, and which must have resulted in a sacrifice by forced sale of valuable stores to satisfy these demands.

The Directors have resolved on the adoption of this course in the confidence that it will meet the approval of the Executive, under the circumstances stated.

I have, &c.,

*The Hon. the Colonial Secretary.*

(Signed) H. DOWLING, *Secretary.*

P.S.—4:30 P.M. The Solicitors have forwarded their opinion that the Company would be justified in raising money as proposed for the object specified.

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1216.

*Colonial Secretary's Office, 25th July, 1872.*

SIR,

As the period for the retention of your services will terminate on the 31st instant, I have now the honor to inform you that the Government are desirous to continue you in your present office for another month, under the terms and conditions contained in my letter to you of the 28th March last.

I have, therefore, to request that you will signify your acquiescence, or otherwise, without delay.

I have, &c.

S. V. KEMP, Esquire, Launceston.

(Signed) J. M. WILSON.

1217.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 31st July, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your communication of the 25th instant, wherein you inform me that the Government are desirous of continuing my services in my present office for another month, under the terms and conditions contained in your former letter of the 28th March last.

I regret to say that, owing to pressing business affairs connected with the repairs of the Line, I have been prevented from giving an earlier answer to your communication.

In now replying, I beg to thank you for your kind consideration, but at the same time beg most respectfully to intimate that I disapprove of my services being retained from month to month, owing to the great expense and discomfort I have to endure in residing at an hotel.

You are aware that, in consequence of your former notice, I broke up my home and had to dispose of all my effects at a great sacrifice; and the uncertainty of my tenure of office would not justify me in incurring the expense of refurnishing another home, until I am advised as to what are the future arrangements of the Government with reference to my services.

I have no desire to cause any embarrassment at the present juncture of affairs by retiring, and therefore cheerfully accede to the terms proposed in your communication of the 25th instant. I shall, however, take it as a favour, if you are in a position to do so, by your informing me at your earliest convenience what are likely to be my future prospects.

I am fully aware that the receipts of the Launceston and Western Railway would hardly justify my services being wholly retained on that line, as the engineering and management of such an undertaking, if I were appointed to it, would not occupy more than a portion of my time.

I shall, in accordance with your verbal instructions, take an early opportunity of laying before you a statement showing how, in my opinion, the line can be efficiently and economically worked when it is taken charge of by the Government.

I have, &c.

(Signed) SAML. V. KEMP.

The Hon. J. M. WILSON.

1218.

*Colonial Secretary's Office, 25th July, 1872.*

SIR,

I HAVE the honor to inform you that, with the view of protecting the interests affected by the stoppage of the Launceston and Western Railway, the Government has obtained the sanction of Parliament for the appropriation of a sum not exceeding £1000 to defray the cost of necessary repairs to the permanent way.

The expenses to be incurred and the payments to be made under this authority will, for the present, be dealt with by the Directors and Commissioners as heretofore.

I have, &c.,

(Signed) J. M. WILSON.

The Secretary Launceston and Western Railway Company.

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1219.

*Colonial Secretary's Office, 25th July, 1872.*

GENTLEMEN,

I FORWARD herewith, for your information and guidance, a copy of a letter I have this day addressed to the Secretary of the Launceston and Western Railway Company.

I have, &c.,

(Signed) J. M. WILSON.

*Messrs. KEMP & GUNN, Commissioners  
Launceston and Western Railway.*

1220.

MEMORANDUM.

THE Commissioners recommend that in carrying out the urgent repairs of the Launceston and Western Railway, for which Parliament has sanctioned the expenditure of One thousand Pounds (£1000), the necessary works should be carried out under their sole authority.

The Directors should afford to the Commissioners all the aid within their power, from the use of such plant and labour at their command, as the Commissioners may require.

The necessary payments to be made from the Treasury on the certificate of the Commissioners.

The disadvantages of the works being executed under the joint direction of the Company and the Commissioners are—

1st. The delay likely to occur in obtaining the authority of the Directory, and the possibility of their disagreeing with the Commissioners as to the works which are essential, and the mode of doing the same.

2nd. The Commissioners acting in conjunction with the Directory would in a case of a dispute as to what works were considered essential be always in the minority; and although the Commissioners may veto a payment, yet, should any works be executed under the authority of Directors only, payment for the same would be unavoidable.

The Commissioners make these suggestions believing that the object of the Parliament in voting the immediate expenditure of a sum not exceeding £1000 was to arrest further deterioration of the works only, and that no amount should be expended unless absolutely required for that purpose.

(Signed) SAML. V. KEMP.  
FRANCIS BUTLER.

*The Hon. the Colonial Secretary.*

*26th July, 1872.*

1221.

By ELECTRIC TELEGRAPH.

*Launceston, 27th July, 10:20 A.M.*

I CONCUR in Commissioners' Memorandum to Colonial Secretary of yesterday.

S. V. KEMP, Esq.

(Signed) R. C. GUNN.

1222.

*Launceston and Western Railway Company, Limited,  
Launceston, 26th July, 1872.*

SIR,

IN pursuance of your instructions with reference to the expenditure of money on the repairs to this Line, I have the honor to state that I have instructed Mr. Tidy, the Inspecting Surveyor, immediately to proceed with them.

IN view of the Railway going over to the Government, I think the present a desirable opportunity to inform you, that since the appointment of Mr. Tidy to his present office he has fully justified the reputation he had previously earned, as a thoroughly efficient Railway workman; and that I feel

bound to bear my testimony to his efficiency in his department; that the Government may be assured that, unless any very great emergency in engineering should arise, of which there is no probability, they will have in Mr. Tidy an officer fully competent to the requirements of this Railway, as respects the permanent way and works and station buildings throughout, and one who, from his rare experience on large earth-works, will I am sure prove an economical director of such works. I know of no such competent man in this Colony at the present time as Mr. Tidy.

I have, &c.,  
(Signed) H. DOWLING, *Secretary*.

*The Hon. the Colonial Secretary.*

## 1223.

By TELEGRAM.

*Colonial Secretary's Office, 27th July, 1872.*

SIR,

I HAVE to acknowledge the receipt of your letter of yesterday's date, acquainting me that you have given instructions with reference to the expenditure of the money on repairs of the Line.

In order to meet the requirements of "The Audit Act" in the expenditure of funds voted by Parliament, it will be necessary, in this instance, that the Directors shall indicate to me, through the Commissioners, for approval, the portions of the works especially requiring immediate repairs to prevent their further deterioration, with an estimate of the probable cost.

This course would not involve delay.

H. DOWLING, *Esq., Secretary.*

I have, &c.,  
(Signed) J. M. WILSON.

## 1224.

*Launceston and Western Railway Company, Limited,  
Launceston, 27th July, 1872, 8:30 P.M.*

SIR,

I HAVE the honor to inform you that your Telegram dated 5:20 this evening reached my house before 6 P.M., and having just been informed that in consequence of the mail from London ours will leave to-morrow night, I have returned to the Railway Offices, that I may at once advise you of the course I have pursued, in view of the urgency of the question of repairs, in more explicit terms than were conveyed to you by my letter of yesterday.

On receipt of your letter of the 25th, by telegraph, the weather was bad, but with signs of approaching amendment; and I requested Mr. Tidy, then on duty at Deloraine, to make the earliest arrangements he could for the commencement of the work. On his return, yesterday, the weather having very much improved, he arranged to take up an engine and men to clear the Line of serious obstructions at 35 cutting, and otherwise prepare for the works more immediately demanding attention; and to-day having proved very fine, with, I am happy to say, indications of settled weather, I hope to hear that he has succeeded in getting forward his preparations for an active commencement of operations.

I beg respectfully to say, that I was aware that to commence even these necessary preparatory works, without first seeking concurrence, beyond your mere intimation of the vote of Parliament, might be deemed somewhat irregular—but the occasion was pressing; the weather so long unsettled and destructive to earthworks improving, but with little certainty of continuance; only one of the Commissioners in Launceston, and the convening of a meeting of the Directors necessarily involving loss of a day's time, or more; that I determined,—after consulting with the Chairman, and having his sanction,—it was my duty to the Government, and to all interests concerned, to adopt the course I have thus reported.

Mr. Tidy, who went up with the men this evening, and has been absent all day on the works, will, no doubt, report further to me on Monday morning in reply to a letter addressed to him this morning, awaiting his return, in which I request the details asked for by your Telegram now before me; and upon which, having first submitted it to the Board of Directors, I shall expect to be allowed to apply for the authority necessary to meet the requirements of "The Audit Act."

Meantime I trust that my procedure will have your approval.

*The Hon. the Colonial Secretary.*

I have, &c.,  
(Signed) H. DOWLING, *Secretary*.

1225.

By ELECTRIC TELEGRAPH.

Launceston, 29th July, 1872, 11.14 A.M.

PLEASE repeat copy of your message to Mr. Dowling, sent on Saturday, having reference as to how the one thousand is to be spent.

(Signed) S. V. KEMP.

*The Hon. the Colonial Secretary.*

1226.

By ELECTRIC TELEGRAPH.

29th July, 1872.

GENTLEMEN,

I FORWARD for your further information copy of a letter I addressed to the Secretary of the Launceston and Western Railway Company on the 27th instant.

I have, &amp;c.,

(Signed) J. M. WILSON.

*The Commissioners Launceston and Western Railway.*

1227.

By ELECTRIC TELEGRAPH.

Launceston, 29th July, 1872, 3.30 P.M.

SIR,

I HAVE the honor to request, by direction of the Chairman, and for the information of the Directors at their meeting to-morrow, that you will direct to be forwarded to-night copy of the last recommendation by the Commissioners of a sum of money to be spent in repairing Banks and Cuttings, and for which the Vote of Parliament has been lately taken for £1000.

I have, &amp;c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

1228.

TELEGRAM.

Colonial Secretary's Office, 29th July, 1872.

GENTLEMEN,

I HAVE to request that you will furnish the Chairman of the Launceston and Western Railway Company with a copy of your letter to me of the 20th instant.

I have, &amp;c.,

(Signed) J. M. WILSON.

*The Commissioners Launceston and Western Railway.*

1229.

TELEGRAM.

Colonial Secretary's Office, 29th July, 1872.

SIR,

I HAVE requested the Commissioners to furnish you with a copy of their letter to me, referred to in yours of this day's date.

I have, &amp;c.,

(Signed) J. M. WILSON.

*The Secretary Launceston and Western Railway Company.*

*Launceston and Western Railway Company, Limited,  
Launceston, 29th July, 1872.*

SIR,

In further continuation of my communications on the subject of the repairs to cuttings and banks, I have now to advise having received the detailed Report from Mr. Tidy, a copy of which I have the honor to enclose.

It has been my intention to report to the Directors, at their weekly meeting to-morrow, in view of the public exigency, both with regard to freight of goods and personal convenience, that they should move the Government to concur in the re-opening of the Line the moment Mr. Tidy can report it safe for traffic, which he hopes may be in about 10 days, should fine weather continue,—the repairs being still proceeded with by the same gangs during traffic, which further repairs will occupy eight or ten weeks. I have, indeed, been engaged on preparation of said Report for the Board to-morrow; but on Mr. Kemp's return, this morning, he has personally intimated to the Chairman, in my presence, that your instructions to him only embrace the expenditure of so much of the Vote of Parliament as he may deem to be necessary to prevent further deterioration.

If this be the decision of Government, it is in opposition to the views expressed by Mr. Tidy—that the entire necessary repairs should be put in hand at once: repairs—that is, as reported—or largely increased cost will shortly ensue: that, indeed, incomplete repairs will necessarily be insufficient repairs, and so much public money thrown away.

The course of procedure which I believe will meet the approval of the Directors is that indicated by my communications, which will have the additional recommendation to your mind, I trust, that, whilst it will give ample time for the necessary legislation for legalising the transfer of the Line to the Government, when this is agreed to, the public interests and convenience will be met, and revenue earned.

I have, &c.,

*The Hon. the Colonial Secretary.*

(Signed) H. DOWLING, *Secretary.*

A copy of this Report has been furnished the Commissioners.—H.D.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 27th July, 1872.*

DEAR SIR,

ON the receipt of yours of the 25th, instructing me to proceed with the repairs throughout the Line, I beg to inform you that I took immediate steps to carry out your instructions: We have been out to-day with the engine and 24 men, and removed part of the slip at 35 Cutting to allow the train to pass, lifted 36 Bank (this bank had sunk a good deal) and loaded stones at 37 Cutting for outlet to culvert at 36 Bank. I think we shall be able to finish this job on Monday.

On my return this evening I found yours of the 26th, wishing to be furnished with cost of repairs in detail, &c. I beg to inform you it is most difficult to give you any correct estimate of this work in detail, for the reason that all our work is so much broken up that, in taking out a slip that would measure say 200 c. y., you would very likely have quite as much more to follow after the face had been taken away. Any estimate for the work made to-day would not do a week hence,—to give you an instance:—Had 42 Bank been repaired two weeks ago, 550 c. y. would have done it. In taking a rough measurement of this bank to-day I find it will take 2000 c. y. The following estimate in detail will be very near, taking the present state of the Works as a guide; but this may not hold good should we have more heavy rains:—

	£
35 Cutting, £200; 36 Bank £25.....	225
37 Bank, £10; 37 Cutting, £100 .....	110
38 Bank, £50; 38 Cutting, £300 .....	350
40 Bank, £70; 40 Cutting, £45 .....	115
42 Bank, £100; 42 Cutting, £50 .....	150
68 Cutting, £50 .....	50
Cuttings from No. 5 to 31 .....	150
	£1150.

Should you adopt my Report of the 22nd, *in re* 35 Cutting, it would be £200 less, and 42 Bank, £100. Both these jobs can be done by material from the big cutting (*viz.* No. 38), which will leave the amount £900. Should we have fine weather, we may be able to get it done for something less.



I started No. 1 and 2 Gangs of Permanent Way Repairers this morning. No. 3 Gang will start on Monday morning. I have sent instructions for the rest to start on Thursday morning next.

We were short of men this morning, but I expect to be able to start 35 or 40 on Monday.

I have, &c.,

(Signed) THOS. TIDY, *Inspecting Surveyor.*

*The Secretary Launceston and Western  
Railway Company.*

### 1231.

*Launceston and Western Railway Company, Limited,  
Launceston, 30th July, 1872.*

Sir,

I HAVE the honor to report to you the proceedings which took place at the weekly meeting of Directors to-day, after the reading of my Report, *re* Repairs and the Report of Mr. Tidy.

Of the latter, I forwarded you a copy on the 29th instant; a copy of the former I now enclose.

The meeting to-day was very fully attended, there being present Messrs. Green, Button, Robertson, Fisher, Tyson, Webster, Kemp, Weedon, Dodery, and Gunn.

After reading these reports, it was moved by Mr. Weedon, seconded by Mr. Fisher, and carried,—“That after hearing the Secretary’s Report, and also that of Mr. Tidy, in connection with the repairs to be done to the Line, together with all the correspondence relating thereto, and for which repairs a sum of £1000 has been voted by Parliament, this Board confirms the action taken by the Secretary, and the instructions that have been given to Mr. Tidy to proceed with the necessary repairs.”

Mr. Webster then moved, and Mr. Dodery seconded,—“That the reports of the Secretary and of Mr. Tidy be approved.” And this motion was carried.

My application of this date for concurrence of the Governor in Council in the expenditure asked for by Mr. Tidy, I have the honor to advise you, is based upon these resolutions and proceedings.

I have, &c.,

(Signed) H. DOWLING, *Secretary.*

*The Hon. the Colonial Secretary.*

### SECRETARY’S REPORT TO DIRECTORS.

*29th July, 1872.*

SINCE last Board Meeting I have been engaged in considerable correspondence on the question of repairs of banks and cuttings, and in which I have necessarily become involved in an amount of responsibility which I would have gladly avoided, could I have felt this to be consistent with my duty to the public and the Government.

The papers to be read to-day will fully explain the whole matter; and I feel assured that the course of proceeding which (with the consent of the Chairman) I have pursued, will secure the approval of the Board, as I believe also it will of the Government.

In the adoption of this course I never for a moment assumed any disinclination on the part of the Executive to promote, as speedily as possible, the public convenience, and to begin to earn revenue therefore as early as it could be done with safety.

The telegram of the 25th July advised me from the office of the Honorable the Colonial Secretary, that “a sum not exceeding £1000 had been sanctioned by Parliament,” with the view of protecting the interests affected by the *stoppage* of the Launceston and Western Railway;” the terms of the resolution carried in both Houses of Parliament being—“That a sum not exceeding £1000 be appropriated from the General Revenue for defraying the cost of *necessary repairs* to the Launceston and Western Railway;” and both the Colonial Treasurer and the Attorney-General in the House of Assembly, and the Honorable the Premier in the Legislative Council, referred in unmistakeable terms to the expenditure being intended for the protection of the public, especially in the Railway Districts.

It has been in the full appreciation of the intentions of the Government thus expressed that I have hastened on works which are preliminary to the effectual repairs indicated; and, with the consent of the Chairman, taken the responsibility I refer to.

On the return of Mr. Kemp, however, from Hobart Town this morning, he has suggested that the Government have had no intention to do more in the way of repairs at present than to prevent any further deterioration to the permanent way and works—and *not* with any view to the re-opening of the Line at present.

If this be correct, then I have wholly misunderstood the intentions of the Executive in asking the vote in question; and my communications, as well as the action I have taken, have been based upon a fallacy.

I submit to the Directors that they should, by accepting Mr. Tidy's recommendations, show that they rely upon the intentions of the Government being consistent with the terms of the resolution, and with the arguments by which they enforced its importance on the attention of the Houses of Parliament; the intention, that is, to put the banks, cuttings, and permanent way generally in substantial repair, and, as early as practicable during the progress of such repairs, to re-open the Line, in order that the public interest and convenience may be ensured and revenue earned. The Board will, I believe, agree with me that the re-opening of the Line should on no account be delayed for the completion of those necessary arrangements which must be made to give legal force to the negotiations between the Government and the Company for handing over the works to the Executive.

I therefore most respectfully ask the Directors to consider the following conclusions, at which, after anxious consideration, I have arrived, and in which I earnestly hope the Commissioners may coincide. I ask this as I believe in the interests of the Colony generally, and especially in the interests of the people of the districts who are now realising great inconvenience and loss; whilst at the same time a revenue of some £300 a week is being lost to the Railway: *i.e.*,—

1. That Mr. Tidy's recommendation be adopted; and that the concurrence of the Governor in Council in the necessary expenditure be requested.
2. That as soon as Mr. Tidy reports the Line to be safe for traffic, it be re-opened to the public by the Directors, pending the final adjustment of arrangements by which the Railway and Works are to be handed over to the Government.
3. That the permanent repair of the aforesaid Works be continued by Mr. Tidy after the opening of the Line till completed in pursuance of his report, and within the present Vote of the Parliament.
4. That the earnings of the Line under this arrangement be applied, first, to the payment of current working expenses, and the maintenance of permanent way when repaired as aforesaid; the balance, if any, being held to the credit of the Public Treasury, and to be paid over to the proper Officer of Government on the transfer of the Line as aforesaid.

(Signed) H. DOWLING, *Secretary*.

## 1232.

*Launceston and Western Railway Company, Limited,  
Launceston, 30th July, 1872.*

SIR,

I HAVE the honor to inform you that the Directors, at their weekly meeting to-day, went very fully into the consideration of the question of the repair of the Line, under the Vote of Parliament, intimated to them by your Telegram of the 25th instant; and I am instructed to ask the concurrence of the Governor in Council in an expenditure for this purpose of a sum not exceeding £900, as estimated and recommended by Mr. Tidy, and which papers are in the hands of the Commissioners. I transmit a copy of this application to the Commissioners, that they may be able to report without inviting a reference from you, so as to save delay; and I have reason to believe that their report will follow immediately.

I have, &c.,

(Signed) H. DOWLING, *Secretary*.

*The Hon. the Colonial Secretary.*

## 1233.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 31st July, 1872.*

SIR,

WE have been favored to-day with a copy of a communication addressed to you by the Secretary of the Launceston and Western Railway Company of the 30th instant, requesting that the expenditure of Nine hundred pounds (£900) out of the £1000 voted by Parliament should be placed at the disposal of the Directory and Commissioners.

In regard to this we may be permitted to observe, that it would avoid complications were the Government to at once determine whether the last vote of Parliament was intended to be spent in

merely keeping the Line and works from being further deteriorated until a final settlement as between the Government and the Directory had been effected; or, whether it was meant that, so far as the money voted will go, it should wholly be used for the present purpose, so that the Line may be re-opened and traffic resumed under the present management of the Directory as heretofore.

We have further to observe that, as pointed out in previous communications, the Commissioners only form a small minority of the Board of Directors, and, unless special authority in this case be given to them, they can have no veto in determining that which, under the circumstances, may be deemed by them to be the most desirable.

The works required to be done are of that general character as to require the closest vigilance, so that the greatest economy may be observed in the carrying out of the same. No estimate of a reliable character, or mode of execution, can be definitely determined upon at the present time, but can only be decided upon during the progress of the works of repair.

To comply with the request of the Directory for an authority to expend £900 in the repairs of the Line, would be virtually to place the direction of that expenditure in the hands of the Secretary of the Company.

If the Government desire that the Commissioners shall have the control in the expenditure, we would recommend that only a sum of £250, as a portion of the £1000 voted by Parliament, shall be placed to the credit of the Company and Commissioners; the latter being responsible for the direction of the Works, and the course to be observed in its apportioning.

We have, &c.,  
(Signed) SAML. V. KEMP.  
R. C. GUNN.

P.S.—We beg to remind you that, at the present time, there are employed upon the Line about 40 men, 12 line-repairers, engine driver and fireman, altogether amounting to about £25 per day. And Mr. Tidy has been instructed by the Secretary to place a number of line-repairers on the upper end of the Line, which are not required unless the Line is to be immediately re-opened for traffic. You will see by this that your immediate reply is essential, more particularly to paragraph number two of this letter.

S. V. K.  
R. C. G.

1234.

*Colonial Secretary's Office, 1st August, 1872.*

SIR,

REFERRING to previous correspondence between this Department and the Launceston and Western Railway Company, Limited, I have now to inform you that the Government, acting on the authority of the Resolutions passed by the House of Assembly on the 11th ultimo, consents to accept the surrender by the Company of the Railway and works on the terms and conditions set forth in the Resolutions passed by the meeting of Shareholders held in Launceston on the 18th ultimo, of which a copy was transmitted to me by Mr. H. Dowling, Secretary to the Company.

In consenting to these terms of transfer, the Government reserves to itself entire freedom of action with reference to any future application to Parliament from the Shareholders "for a grant of land or other concession in consideration of the moneys contributed by them to the construction of the Railway."

In accordance with this determination of the Government, I propose to proceed immediately to Launceston to obtain from the Directors "possession of the Railway and works."

Referring to a suggestion in Mr. Dowling's letter to me of the 29th ultimo, that the Directors should move the Government to concur in the re-opening of the Line, which appears to have received the approval of the Board, I have to acquaint you that it is incompatible with the views of the Government, and the intentions expressed in the Resolutions of the House of Assembly authorising the surrender on terms of "the Railway and works," that the Line should be "re-opened for traffic" otherwise than "*under the direct control of the Government, and without the intervention of the Company.*"

In view of the extreme urgency of the case, and to arrest the progress of further injury to a costly work now virtually the property of the Colony, the Government procured from the House of Assembly on the 24th ultimo, as I have already acquainted Mr. Dowling on the 25th ultimo, authority to expend a sum not exceeding £1000 on "necessary repairs" to the Permanent Way.

The Government will be prepared to recognise the work already executed on the faith of the Resolutions of Parliament as constituting a claim upon the appropriation from the General Revenue of a sum of £1000 for "necessary repairs" to the Permanent Way.

I trust that the progress of such repairs will enable the Government to re-open the Line for traffic at an early date.

In the meantime I desire to intimate to you that it is the wish of the Government, on "obtaining possession of the Railway and works," to offer employment to the present staff of Railway Officers and Servants at past rates of pay and allowances for a limited period, say, not exceeding one month, in order to afford the Government time to make the necessary arrangements for the future management of the Railway as a branch of the Public Service of the Colony.

I have, &c.,

(Signed) J. M. WILSON.

*The Chairman of the Board of Directors, Launceston and Western Railway Company.*

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1235.

*Launceston, 3rd August, 1872.*

SIR,

IN reply to your communication of the 1st instant, addressed to me as Chairman of the Board of Directors of the Launceston and Western Railway Company, I have the honor to inform you that I have in conjunction with my Co-Directors taken the same into consideration.

I am now prepared to surrender to you on behalf of the Government the Railway and Works of the above Company, on condition that the Line shall be at once put in order and re-opened for traffic under the direct control of the Government and without the intervention of the Company. That when in any year the net earnings or profits of the said Railway exceed an amount equal to £27,000, the excess shall be carried to a separate account to the credit of the Shareholders of the Launceston and Western Railway Company, Limited, who shall be entitled to all such excess.

The Government shall pay all debts incurred in the purchase of stores on hand and in the management and working of the said Railway for which the Company is liable to this date. That a Room at the Station in Launceston, or some other convenient building in Launceston, shall be set apart for the use of the Company as its registered Office, and for the purpose of a place of deposit for books, papers and documents, and office furniture belonging to the Company.

That, in any Act brought before the Legislature for the purpose of carrying into legal effect the arrangements between the Company and the Government, the Company shall be at liberty to urge the necessity or propriety of being represented at any Board that may be formed for the purpose of carrying on the said Railway and works. Nor is the Company to be precluded from making any claim on the Government at any future period for compensation.

I have, &c.,

(Signed) RICH. GREEN,

*Chairman of Directors of the Launceston and Western Railway Company, Limited.*

*The Hon. J. M. WILSON, Esq., Colonial Secretary.*

## LAUNCESTON AND WESTERN RAILWAY CORRESPONDENCE.

*(Supplementary to Paper No. 22.)*

## ADDITIONAL LETTERS OMITTED TO BE INSERTED IN THEIR PROPER PLACES.

1236.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 24th January, 1872.*

SIR,

AT a meeting of the Directory of the Launceston and Western Railway Company held yesterday, a claim from Messrs. Overend & Robb, the Contractors for the construction of the Line, was submitted by the Company's Secretary, amounting to £3813 12s. 6d. for extras.

I need scarcely add, that it took the whole of the gentlemen present at such meeting by surprise.

The claim had been referred to the Company's Engineers, who have reported adverse to it; and it is now in the hands of the Company's Solicitors for their opinion. I will procure a copy of the report and opinion, and will forward the same to you as soon as practicable.

I cannot forward this statement to you without reminding you that I endeavoured to guard against any after claim the Contractors might make by urging that when the supposed final cheque for the last payment for works performed was handed to them, that the usual receipt, bearing to be in full of all demands, would be taken; but the accompanying copies of correspondence between myself and the Railway Secretary,—the former dated 29th April, and the latter 1st May, 1871,—will show that my suggestion was almost considered obtrusive.

I have since learnt that the Secretary did not consult the Solicitors, as mentioned in his letter, until several days after the final cheque had been paid to the Contractors.

I beg to advise that no provision has been made in the financial statement lately forwarded to the Commissioners, nor is there sufficient balance left out of Construction Fund, to cover the demand made by Messrs. Overend & Robb.

A copy of this communication has been forwarded to my Coadjutor, Mr. Innes, for his perusal.

I have, &amp;c.,

*The Hon. the Colonial Secretary.*

(Signed) SAML. V. KEMP.

(Copy.)

*Railway Commissioners' Office, Public Buildings,  
Launceston, 29th April, 1871.*

SIR,

HAVING learned that my Coadjutors have signed the cheque for the final payment for works executed by Messrs. Overend & Robb under their Contract No. 1 for the construction of the Line, I trust that the Secretary or Engineers of the Launceston and Western Railway Company have taken the usual precaution of obtaining from the Contractors a full discharge of all demands up to the date of such final payment.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

(Copy.)

*Launceston and Western Railway Company, Limited,  
Launceston, 1st May, 1871.*

SIR,

## FINAL CERTIFICATE.

IN reply to yours of the 29th ultimo, I beg to say that I accepted the usual form of receipt taken from the Contractors on all the certificates under No. 1 Contract issued by the Engineers. I could not have asked them to sign the discharge you claim while the large sum remains in the hands of the Company on account of the 10 per cent. deduction under the Contract.

I am of opinion that when the final payment is about to be made to them will be the time to ask the Solicitors to prepare such a discharge of the whole Contract as will protect the Company; and not before.

I have not, however, acted in this matter without consulting the Solicitors; and they entirely agree with me that the course adopted is the proper one.

I have, &amp;c.,

(Signed) H. DOWLING.

1237.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 25th January, 1872.*

SIR,

REFERRING to my communication of yesterday's date, wherein I advised you of the claim made by Messrs. Overend and Robb, I have the honor to inform you that I have just received the following Telegram from my Coadjutor Mr. Innes:—

(Copy.)

BY ELECTRIC TELEGRAPH.

25th January, 1872.

Message for S. V. KEMP, Esquire.

THE whole matter had been previously reported to the Government, first by myself and subsequently by Mr. Dowling.

(Signed) F. M. INNES.

I trust that the communication I made yesterday may not be thought obtrusive, as I can assure you it was not intended to be so.

I have, &amp;c.,

(Signed) SAML. V. KEMP.

*The Hon. J. M. WILSON, Esq., Colonial Secretary.*

1238.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 25th March, 1872.*

SIR,

As my services as Professional Commissioner of the Launceston and Western Railway are about to come to a close, I have to crave permission to make some observations on the printed Railway Correspondence, Paper No. 30, ordered to be printed by Legislative Council in November last, and which I had not an opportunity of perusing until it appeared in print a short time ago. I, at one time, did not intend to trouble you, feeling satisfied that time would tell its tale. The *Launceston Examiner* has, however, with a one-sidedness, given publicity through its columns to that portion of the correspondence which, in a measure—in the absence of explanation—might have a prejudicial effect upon my reputation; and the same having been brought under my notice through a Victorian channel, I trust that you will pardon me for now addressing you.

The duty is an unpleasant one, since it refers to character; but were I to continue silent now that comment has been made, an erroneous conclusion may be arrived at; and as it is in my power to offer an explanation, I beg leave, with your permission, now to do so. For the sake of brevity I shall limit myself to as few observations as possible.

Having had occasion to address you on the 12th December, 1870, page No. 16, printed Correspondence, pointing out that "the Secretary for the Railway Company is in the habit of forwarding certificates for the payment of moneys and applications for authorities for extra and contemplated works to Mr. Bartley, who invariably signs and recommends them, and forwards them to Mr. Innes for his signature. If the latter Commissioner signs them they form authorities for payment, although I have had no opportunity of recording my views thereon."

In reply to this, Mr. Bartley sends a Memorandum, in which he does not confine himself to a denial or explanation, but avails himself of the opportunity to extend his communication of about five pages of print, and in a mass of verbiage endeavours to throw the whole of the blame for the extra expenditure on the Railway to a failure on my part of the duties which devolved on me as a Commissioner.

My communication was sent with no desire that, as between the other Commissioners and myself, there should be any breach. I was under the impression that they were committing an error, and hoped that on its being pointed out it would be avoided: that I had reason to do so is borne out by the statement of the Railway Secretary given, I may remark, in a very peculiar characteristic note, page 22, to the following effect:—"Instances have occurred, and these very few indeed, when, having become aware that Mr. Kemp would not sign applications for the concurrence of Government in expenditure on certificates for the payment of moneys by the Treasurer, I have obtained Mr. Bartley's signature and then forwarded the papers to Mr. Innes for his approval and signature,—usually with a request that if he approved he would send on such papers to the Colonial Secretary or Treasurer, as the case might be." This, I submit, clearly shows that I had grounds for doing what I did. How could the Railway Secretary become aware that I would not sign applications for authorities or certificates unless he made the proper request for me to do so?

If, as I have stated, Mr. Bartley had limited himself to a denial or to an explanation I would not need have extended this; but he takes the opportunity, I venture to say, of making as wanton as it was an uncalled for attack upon the character of one whom in no way he was fitted to sit in judgment upon. His doing so has belied his good name, since it afforded evidence that he had waived his independence and had become the tool of another.

He does not stop to enquire why the Line that was to cost one sum has cost another, and has increased by a £100,000. Shortly, I will state why. The Line as projected and submitted to the Commissioners was not the work that was carried out. The original plans were destroyed, unknown to the Commissioners; others were substituted; the direction of the Line and gradients were altered; the weight of rail increased from 65lbs. to 72lbs. the lineal yard; a bridge which was to have cost £9418 4s. 6d. was increased to the sum of £33,334 17s. 9d.; and many other alterations, too numerous to mention, which had the effect of increasing the cost of the Line. Also, slopes that were laid down at one angle were altered to another. In the original estimate furnished to the Commissioners upon which they base their calculations, 724,423 cubic yards of earthwork were scheduled; while in the Contract schedule, upon which the work was tendered for, only 574,328 cubic yards were provided for, which proves that a much flatter slope was originally contemplated. (See Parliamentary Paper, No. 115, page 82.)

These are but a few of the reasons why there has been an increased cost; yet these alterations, as is known to the Government, were unknown to the Commissioners, but which they could not prevent, even had they been known, since the Engineers had the power to make the changes. It was only after the plans had been altered, by the destruction of the old and the substitution of the new ones, that the Commissioners discovered the great changes which had been imposed upon them.

I am responsible for the Certificate I furnished to the Government and to my Co-commissioners; and here add that, with the like data before me to-day, and relying upon them as I did then, my action would not be changed.

The Railway could have been constructed and opened for traffic for the sum I certified to. Mr. Bartley does, or should know that the Engineers of the Company alone are responsible for all the alterations, substitutions, and additions, and with them the increased cost. Nor am I more responsible for the disappointment sustained in the matter of the slopes,—my opinion was clear and distinct. (See Parliamentary Paper, No. 16, page 45.)

"Balance for contingencies £12,091 10s. 8d. to meet law costs and arbitrations, extra earthwork in cuttings, the slopes of which are specified to be only  $\frac{1}{4}$  to 1, and it is a question whether they will stand at that batter," &c.

The Engineers were paid for taking borings of the several cuttings after the Company had received the sanction of the Government to proceed; the strata therefrom should be known to them, and I submit that it was not within my province to complain that while the Directors and the Commissioners were led to believe that an angle of  $\frac{1}{4}$  to 1 would be sufficient for the slopes, such was only meant to be experimental. When the test came disappointment followed, and on this item alone a sum of £20,000 has been added to the cost of the Line: but surely the Professional Commissioner was not responsible for this: was he to doubt the Engineers' borings? To do this would have been to call in question their great "European reputation," and made obtrusion premature and impulsive. Mr. Bartley, notwithstanding his present position, would have been about the first to resent such. But if I had the desire I could not have ascertained the nature of the soil through which the Railway was to pass, unless I employed a like staff as the Engineers, and such a course was not contemplated by any of the Acts of Parliament.

Mr. Bartley's animus precludes him from being independent and impartial. He would have shown the more manly course, if he doubted my worth, had he declined to be associated with me,—but he did not; and I will only add, that I believe there is not a single Director, saving Mr. Bartley, who will say that I shrunk from my duty—that I hesitated in giving information—that in the main this was afterwards found to be correct—or that by manner or speech I conveyed a false impression.

It is unpleasant to have to write of oneself, but the correspondence under review compels it.

The substitution of one lime for another—of mortar from hydraulic lime—was noted by me and mentioned at the Board, and commented upon by Mr. Tyson; as also the bricks, which were specified to be burnt with coals; but we were powerless. The Engineers had the power to make such a change; and the Commissioners can no more be held responsible for such than any other individual member of the Board.

Nor should it be forgotten, that while Mr. Bartley absolves the Engineers from any blame for the additional cost of the Line, and lays this to the charge of the Professional Commissioner, he

forgets that even in that, which all deferred to him, the value of the lands through which the Line was to pass, a mistake on his part occurred. The sum he put down as the amount which would have to be paid to the owners of land was not £5000 as estimated by him, but £16,000,—a difference so great as to form a marked item in the additional cost of the Railway.

But I submit that there is an inconsistency, to say the least of it, of a Commissioner thrusting his opinions involving the reputation of another, when the subject matter of dispute has been disposed of by the joint action of both Houses of Parliament.

I need scarcely remind you that the construction of the Line has had the anxious consideration of Parliament and the Legislative Assembly reported upon this question in October, 1869: *see* Clause No. 7, Parliamentary paper, No. 115, to the following effect:—

“The present position of the Company’s affairs clearly demonstrates that the opinion which prevailed in the minds of the Shareholders, the landowners of the Railway Districts, and a majority of the Members of the Legislature, that the Launceston and Western Railway would be constructed for a sum not exceeding £350,000, was a most erroneous one; and your Committee cannot but think that the responsibility of having been by their acts instrumental in creating that erroneous opinion mainly rests with Mr. W. T. Doyne, the Engineer-in-Chief, and the Secretary to the Company, and one of its chief promoters, Mr. Dowling.”

Also Clause 8 of the same Report says:—

“Your Committee deem it also due to the Commissioners to say, that they appear to have exercised due care and precaution, and with the information before them, were justified in their calculations that the sum of £350,000 would prove sufficient.”

Is a Parliamentary Committee of both Houses of the Legislature or Mr. Bartley likely to be the more impartial?

In regard to Mr. Innes’s observations on my communication of the 26th January, 1871, page 27, Paper, No. 30, I have to observe that I did not unnecessarily obtrude my views, nor did I desire to irritate. The Line had been opened some time. The danger was imminent, was much talked of, and not attended to. What if an accident had happened? I make no doubt but in that case his professional Commission negligence would not have been allowed to pass without comment.

It was impossible for me, or indeed any Engineer, to know the requirements of the settlers along the Line. The majority of the gates were extra, and were determined by Mr. Bartley after the cuttings had been opened and some of them completed.

In reference to Messrs. Bartley and Innes’s communication of the 15th September, 1871, I may observe that my position as Professional Commissioner was a peculiar one. My duty was to report and to advise, not to doubt the good faith of any one. The Engineers had the confidence of the Board, and to differ from them was to irritate.

There were no real checks provided to determine the amount of work done.

It was in vain that I tried to introduce those forms observed elsewhere.

If there be blame for errors it should fall on those who, in supporting the Engineers, waived all safeguards. It is unfair, it is unjust to say I should have done this and that, when it is known that at the time vigilance was necessary there was a clamour at what was thought my obstruction on account of details I required; that promises were unkept, and that interference by me was made personal and only caused an unpleasant irritation to all concerned.

I have, however, the consciousness that so far as in my power I did my duty; and that it is a pleasure to know that this is the feeling of a majority of the Directors, as it is I hope of the Government.

I have to apologise for this long letter, other matters perhaps should also be adverted upon, but I feel that I am already trespassing upon you.

I have, &c.

(Signed) SAM. V. KEMP.

*The Hon. the Colonial Secretary.*



125

1239.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 24th April, 1872.*

SIR,

At a meeting of the Board of Directors of the Launceston and Western Railway Company held yesterday, copies of two long letters from my late Co-commissioner, Mr. Bartley, addressed to yourself, as well as your reply to the same, were read.

I have no desire to trouble you with any further explanations from me; but if you deem that it would not be obtrusive on my part to review this communication, I will feel obliged by your favoring me with it for a few days, when it will be returned to you. But I again repeat, that I have anything but a desire to harass you with what has already been to you a troublesome correspondence, the more as apparently Mr. Bartley's letter has been disposed of by you.

I have, &c.,

(Signed) SAML. V. KEMP.

*The Hon. the Colonial Secretary.*

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1240.

*Colonial Secretary's Office, 11th May, 1872.*

SIR,

In reply to your letter of the 24th ultimo, on the subject of your reviewing your late Co-commissioners' letters recently read at the Board of Directors, I beg to acquaint you that I deem it inexpedient to have recurrence to matters already finally dealt with, and especially as Mr. Bartley is no longer your compeer.

I have, &c.,

(Signed) J. M. WILSON.

S. V. KEMP, Esq., Launceston.

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1241.

*Railway Commissioners' Office, Public Buildings,  
Launceston, 4th June, 1872.*

SIR,

At a Board Meeting of the Directory of the Launceston and Western Railway Company held this day, the Secretary laid upon the table a report made by the Sub-Committee upon the extra cost of maintaining the works of the Line occasioned by slips, settlements, and making the slopes perfect; also a draft of a letter to you pointing out the present embarrassments of the Company: both of which documents were adopted, and ordered to be forwarded to you.

To prevent any misunderstanding, we have the honor to inform you that, although we were present at the Board Meeting, we deemed it our duty not to take any part in the discussion thereof. But, should you think it desirable, we shall be glad to advise thereon.

We have, &c.,

(Signed) SAML. V. KEMP.

R. C. GUNN.

*The Hon. the Colonial Secretary.*

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