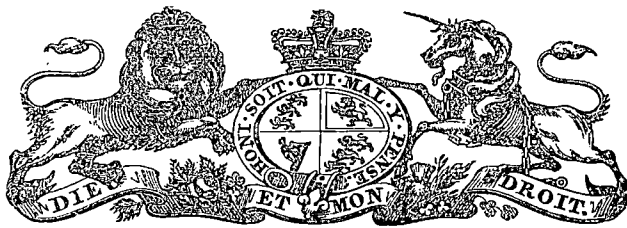


(No. 63.)



1896.

SESSION II.

PARLIAMENT OF TASMANIA.

QUEENSTOWN AND GORMANSTON TRAMWAY
BILL, 1896, (PRIVATE):

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

Brought up by Mr. Urquhart, August 21, 1896, and ordered by the House of
Assembly to be printed.

Cost of printing—£11 5s.



SELECT COMMITTEE appointed, on Friday, the 7th August, for the purpose of examining into and reporting upon a Bill, intituled "A Bill to authorise certain Persons to construct and maintain a Tramway from the Town of Queens-town to the Town of Gormanston, and for other purposes."

MEMBERS OF THE COMMITTEE.

MR. CRISP.
MR. DUMARESQU.
MR. GILL.
MR. HARTNOLL.

MR. NICHOLAS BROWN.
MR. MACKENZIE.
MR. URQUHART. (*Mover.*)

DAYS OF MEETING.

Wednesday, August 19; Friday, August 21.

WITNESSES EXAMINED.

Mr. John Helmer, Inspector of Roads; Mr. Howard Wright; Honorable Nicholas J. Brown; Mr. T. A., Reynolds; Mr. Eric Webster; Mr. E. A. Counsel, Surveyor-General; Mr. F. Back, General Manager Government Railways; Mr. F. Belstead, Secretary for Mines.

R E P O R T.

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

Your Committee, having agreed that the Preamble should stand part of the Bill, then entered into consideration of the several clauses, and having made certain Amendments thereto, have now the honor to present the Bill, so amended, for the favourable consideration of your Honorable House.

D. C. URQUHART, *Chairman.*

*Committee Room, House of Assembly,
21st August, 1896.*

MINUTES OF PROCEEDINGS.

No. 1.

WEDNESDAY, AUGUST 19, 1896.

The Committee met at 11 o'clock.

Present—Mr. Mackenzie, Mr. Crisp, and Mr. Urquhart.

Mr. Urquhart was appointed Chairman.

Order of the House appointing the Committee was read by the Clerk.

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

Resolved, That Counsel be heard in support of the Bill.

Accordingly, Mr. Gant appeared and addressed the Committee in support of the Bill.

Resolved, that Messrs. Howard Wright, Eric Webster, and T. A. Reynolds, the Promoters, be admitted during the examination of witnesses.

Mr. John Helmer, Inspector of Roads, Southern Division, was called in and examined.

The Chairman handed in letter from Mr. E. C. Driffield, Superintending Engineer, Mount Lyell Railway Company, in favour of the Bill. (Appendix B.)

Mr. Helmer withdrew.

Mr. Nicholas J. Brown was called in and examined.

Mr. Howard Wright was called and examined.

Mr. T. A. Reynolds was called and examined.

Mr. Eric Webster was called and examined.

Mr. Counsel was called and examined.

Mr. Counsel withdrew.

The Committee adjourned.

No. 2.

FRIDAY, AUGUST 21, 1896.

The Committee met at 11 o'clock.

Members present—Mr. Urquhart (Chairman), Mr. Mackenzie, Mr. Crisp, and Mr. Gill.

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

Mr. Back withdrew.

Mr. F. Belstead, Secretary for Mines, was called in and examined.

Mr. Belstead withdrew.

The Committee then entered into the consideration of the Bill.

Preamble agreed to.

Clauses 1 to 8 agreed to.

Clause 9—

Amendment made (Mr. Urquhart), page 4, line 18, after "thereon," by adding "Provided always that the cost of such inspection shall be paid by the Promoters, such cost not to exceed One hundred Pounds."

Clause, as amended, agreed to.

Clauses 10 to 18 agreed to.

Clause 19—

Amendment made (Mr. Urquhart), page 5, line 46, after "Tramways," by striking out "in the neighbourhood," and inserting "within a radius;"

Page 5, line 47, after "Queenstown," by striking out "and places adjacent thereto."

Clause, as amended, agreed to.

Clause 20 postponed.

Clauses 21 to 27 agreed to.

Clause 28—

Amendment made—

Page 8, line 40, after "Commissioner" by inserting "with two Assessors, one Assessor to be appointed by each party to the dispute."

Clause, as amended, agreed to.

Clauses 29 to 31 agreed to.

Clause 32—

Amendment made (Mr. Urquhart) :—

Page 9, line 23, after "Commissioner" by inserting "with two Assessors, one Assessor to be appointed by each party to the dispute."

Clause, as amended, agreed to.

Clause 33—

Amendments made (Mr. Urquhart) :—

Page 9, line 37, after "Commissioner" by inserting "and Assessors."

Page 9, line 38, after "in" by striking out "his" and inserting "their."

Clause, as amended, agreed to.

Clause 34—

Amendments made (Mr. Urquhart) :—

Page 9, line 40, after “awarded” by striking out “by the Commissioner.”

Page 9, line 41, after “as” by striking out “the Commissioner.”

Page 9, line 42, after “shall” by striking out “at any time appoint” and inserting “be ordered.”

Clause, as amended, agreed to.

Clauses 35 to 68 agreed to.

Clause 69—

Amendment made (Mr. Urquhart) :—

Page 15, line 30, after “Promoters” by inserting “subject to the approval of the Governor-in-Council.”

Clause, as amended, agreed to.

Clauses 70 to 82 agreed to.

Postponed Clause 20—

Amendment made (Mr. Urquhart), page 6, line 18, after “aforesaid” by adding “and in default of the Promoters carrying out such repairs as aforesaid the Promoters shall be liable to a penalty of not less than Five Pounds nor more than Ten Pounds for every day which shall elapse before such repairs shall be effected, such penalty to be recovered in a summary manner before any two Justices of the Peace.”

Clause, as amended, agreed to.

Draft Report submitted by the Chairman read and agreed to.

The Committee adjourned *sine die*.

EVIDENCE.

WEDNESDAY, 19TH AUGUST, 1896.

JOHN HELMER, *called and examined.*

1. *By Mr. Gant.*—What is your name? John Helmer.
 2. What are you? An Inspector of Roads for the Government for the Southern Districts.
 3. You are pretty well acquainted with the Districts of Queenstown and Gormanston, and as a matter of fact the country which would be spanned by the proposed tramway? Yes. I know the country, and have been over it several times.
 4. And you know the existing road from Queenstown to Gormanston? Yes.
 5. What is about its length? I should say about $4\frac{1}{2}$ miles,—I am not quite certain.
 6. I believe it is a corduroy road? Yes.
 7. And the grades, what are they like? Well, the grades would be about one in fourteen or fifteen; some parts might be steeper, but that would be the average as far as I recollect.
 8. I believe the road for the main part of the distance is a sideling road? Yes, it is a sideling road.
 9. And it is to some extent a dangerous road? It is a narrow road, and it is dangerous, because cut out of a steep sideling hill.
 10. Then it has been a source of expense in the way of maintenance to the Government, and would be a still greater expense supposing the traffic should be heavy? Of course on a steep grade and with a sideling the expense would be greater for maintenance than for a road through a level country.
 11. You can't tell us, I suppose, what the cost of a properly constructed road through this country for heavy traffic would be? No, I cannot tell you exactly, but I should say from £500 to £600 per mile.
 12. And what would be the cost of maintaining a road of the kind? Well, if the traffic was heavy it might cost from one hundred to two hundred pounds a year to maintain.
 13. Do you mean per mile? No, not per mile. The road would cost more to construct in the first instance than the existing road.
 14. Of course, the present road being steep and imperfectly made and generally in a slushy state, the haulage would be more difficult: now, what number of horses would it require to draw a ton load at the present time? About three horses.
 15. Can you tell us what the cost of cartage is? I think they charge about 30s. a ton for the distance from Queenstown to Gormanston; I am not certain, but I think that is what we pay.
 16. What is your opinion in reference to the construction of a tramway; would it be the most suitable means of communication? It would reduce the cost of transit, no doubt.
 17. You mean the average cost would be lower? Yes, unless the road was made properly—unless a thoroughly good road were made a tramway would be the cheapest.
 18. *By Mr. Crisp.*—Have you read the Bill? No; I have not seen it.
 19. Do you see any objection to the measure on behalf of the public, all rights being properly conserved? I see no objections, I think it would be a good thing. You could have the road as well if wanted. The tramway need not interfere with the road in any way.
 20. *By Mr. Gant.*—The tramway would not interfere with the existing road, or any road? You could not interfere with the roads, of course?
 21. *By Mr. Mackenzie.*—What is the cost of hauling stuff from Strahan to Gormanston? £5 per ton by road.
 22. And what is the distance? Twenty-nine miles.
 23. And you think from Queenstown it would cost thirty shillings? Yes; it is all up-hill. That is what we have been paying.
 24. And the cost of maintaining the road would be fully £100 a year? Fully that. It depends, of course, on the traffic. It would cost more than that if the traffic were heavy.
 25. *By Mr. Urquhart.*—How many men would it require on the road to keep it in order? That would depend on the construction. If it were a good macadamised road maintenance would not be so heavy.
 26. Take the road as it is, how many men would be required? That depends on the traffic, whether 100 tons or 1000 tons.
 27. As the traffic now is? From four to five men all the year round—in winter more, but that would be the average.
 28. But the cost of four or five men would be more than £100 a year. Yes, it would. Of course, I cannot tell exactly.
 29. *By Mr. Mackenzie.*—But £25 a mile is more than we receive for the scheduled roads? Yes; and I mean after the road has been fairly constructed.
 30. What do you mean by fairly constructed, macadamised or corduroy? The road would have to be metalled, and widened to at least 20 feet.
 31. Is there metal available there? Yes, there are plenty of quartz stones.
 32. *By Mr. Gant.*—We want the cost of maintaining the road at the present time as it is, and also the cost if it were macadamised or properly made—what would it cost per chain to make that road—what outlay would the Government want to make it a macadamised road? I should say a further sum of £6 a chain,—say £500 a mile.
 33. And then it would be a properly macadamised road? Yes, it would be macadamised.
 34. And fit for any traffic you might like to put on it? Yes.
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THOMAS AUGUSTUS REYNOLDS, *called and examined.*

35. *By Mr. Gant.*—What is your name? Thomas Augustus Reynolds.

36. And what are you? A contractor and ship-owner.

37. You know the country alluded to in the Bill before the Committee? Yes.

38. Of course you know the two towns, and having your knowledge of the Bill, and being so much in the neighbourhood of Gormanston, have you heard any expression of public opinion as to the necessity for the construction of this tramway? All that I have spoken to have said they don't care how soon it is finished. The present road is very bad, and it is most inconvenient now for women and children especially, who have to do the walking, wet or dry, for a considerable distance. Of course if the tramway were constructed it would get over the trouble.

39. Then, from your own knowledge, you think there should be a better means of communication between the two towns than the present road system—you think, from what you know, that for the ultimate development of the mines it will be absolutely necessary? Quite so. I feel sure trade will increase, and there will be a necessity for getting goods up there. It stands to reason that by tram they will be taken for about a quarter of what they could be carted up for, even if they had a good road.

40. Then, as a promoter, your object is to construct this tramway at once—when the Bill is passed. You will raise the money, get the surveys made, and proceed to construct the tramway at once? Yes.

41. If the Bill is passed in its present form you will make the survey at once? Yes.

HON. NICHOLAS JOHN BROWN, M.H.A., *called and examined.*

42. *By Mr. Gant.*—What is your name? Nicholas John Brown.

43. And you are a Member of the House of Assembly? Yes.

44. You are the registered agent in this Colony for the Mount Lyell Mining and Railway Company? Yes.

45. You know the reasons for this Bill? Yes, I know generally. I know the purpose of the Bill.

46. You know enough to say whether it would be likely to be prejudicial to the interests of your company? I can say emphatically that so far from being likely to be an injury it will be a great benefit to them.

47. Your company has almost completed the construction of their railway to Queenstown? Yes, the railway to Queenstown will be completed before the end of the year.

48. And so far as you know, the company has no intention of carrying their railway to Gormanston? None whatever.

49. Do you think the proposed tramway would be beneficial to your line by acting as a feeder to it? Yes; and it will also benefit the company by providing for the traffic between Queenstown and Gormanston on a public line of communication, whereas if such a line were not available the company would be troubled from time to time by demands for passenger traffic on their haulage line which they do not want to encourage at all. The requirements of the mine will be such that we must have the whole command and use of the line for haulage purposes. The general traffic would, when the line proposed was finished, be carried on the Gormanston line of tramway.

50. You are also legal manager for several other companies? The Linda Lyell, Lyell Pioneers, North Lyell Pioneers, Lyell Blocks, Lyell Tasman, and Lyell Tharsis, all no liability companies.

51. And you hold a power of attorney from the London and Mount Lyell Prospecting Company? Yes.

52. And these are all companies of importance which will shortly be developed to some extent? Yes, the shareholders have invested money to a large extent in some of them, and they are all likely to be important mining properties.

53. Then so far as those companies I have just mentioned are concerned, the construction of this tramway would be an equal benefit to them as to Mount Lyell? Distinctly so, in proportion to their interest.

54. Can you tell us, supposing a tramway of this sort was not constructed, how these mines when opened up and in working order would get their ore produce away from their own properties to Queenstown or to the smelters for treatment? Well, there would be a demand on the Government for some means of communication, either by road or tramway. If this undertaking had not been spoken of the matter would have been taken in hand. They must have better means of communication than exists at the present time or they could not get the necessary machinery up.

55. The present road is inadequate? Oh, quite inadequate.

56. *By Mr. Mackenzie.*—Then if this road is constructed it would be practically a relief to the Government? I am sure it would. If it had been thought this tramway would not be constructed there would have been pressure brought to bear on the Minister of Lands this session to get proper communication. It is because it was known this Bill would be brought on that the people have made no demand for a road.

HOWARD EDWARD WRIGHT, *called and examined.*

57. Your name is Howard Edward Wright? Yes.

58. What are you? I am a merchant.

59. And a promoter of this Bill? Yes.

60. You, I believe, have had a fairly intimate knowledge of the country between the two towns over which this line will extend? Yes; I know it very well.

61. You have known the West Coast generally for years, and you can form a fair idea as to the feasibility of carting the produce of these mines over a road like that existing at present? It is little better than sledging at present on the West Coast roads.

62. Can you tell us what are the expenses of carting on the Coast: is the means of communication the best, or what would be the most suitable means of communication generally, in your opinion, between one place and another? Tramways, decidedly; I have always been in favour of that for years. There is no metal there fit to make roads, and it rains so heavily that the so-called metal you put on to-day is washed away by the morning or else turned into mud.

63. Then you are of opinion that the present road is not equal to a tramway? No, decidedly not. The water tears it all to pieces.

64. You know the feeling of the people on the Coast in reference to this Bill? I have heard the general expression of opinion—every one is in favour of it. Not a single individual has spoken against it.

65. What is the cost of carting at present between Queenstown and Gormanston, can you say? Yes, from twenty-five to thirty shillings a ton. They can't do more than one load a day, and it wants from three to four horses to take up a ton. They must charge that to be able to pay for horse-feed and the men's wages. They can get very little out of it.

66. As a promoter of the Bill are you quite prepared to at once proceed with the work within the time named? Yes.

67. *By Mr. Urquhart.*—What is your estimate of the cost of this tramway? About the same or more than the North-East Dundas.

68. About £1000 a mile? About that or more, perhaps. We have a very rough country from start to finish.

69. Well, what capital do you think you will require,—what will you propose in the way of capital? We will not be able to tell until we get the surveys. We cannot estimate till then; it is premature yet.

70. Have you not the line surveyed? No, only just a trial survey; just enough to see that the line is feasible.

71. I thought it was surveyed? No, only just a run through, you know.

72. You mean you have not taken out quantities? Not yet. It would not be safe at present to state the amount it may cost. It might mislead the Committee.

73. Do you think it will be in excess of £1500 a mile? Decidedly.

74. *By Mr. Mackenzie.*—Is it a rougher country than the Dundas line goes through, taking it as a whole? Yes. The height of the mountain is 900 feet. We have to climb up the flank of Mount Owen. It will be hard conglomerate there we will have to cut into.

75. Will there be any bridges? No, nothing to speak of. We might have to go to the expense of some trellis-work in crossing Conglomerate Creek, but that is a matter for the engineer.

76. Do you contemplate using the Mount Lyell Company's station at Queenstown? I think so; I presume there will be no difficulty in arranging with them as to that. Mr. Brown states they are favourable.

77. The Bill provides that the Government may purchase the undertaking at a certain time? Yes.

78. On what terms? By arbitration.

79. No fixed sum named? No.

80. *By Mr. Crisp.*—Is there anything in the Bill as to payment of a deposit? Yes, Section 82 provides for a deposit of £300.

ERIC WEBSTER, *called and examined.*

81. What is your name? Eric Webster.

82. And you are a surveyor? Yes.

83. You know the country to which this Bill refers very well? Yes, I have been there some time.

84. And you have recently come from there? Yes, within the last month and a half.

85. Did you survey the work on the ground? Yes.

86. And you also made a flying survey and prepared this plan which you now put in? Yes.

87. You can explain as nearly as possible how the line would run as you have marked it on the plan—of course we know it cannot be more than approximately correct? Yes. This is not a definite survey. I made only a flying survey, but it shows approximately what the line will be. (Witness explained the plan.)

88. From this rough survey you would have an approximate idea of the length of the tramway. We don't tie you down to any length you now state? Yes, it will be between five and six miles—nearer six than five.

89. What is the distance from the Gap, as shown on the plan, to Queenstown? By the proposed line?

90. Yes: but first tell us by the road? It would be about $4\frac{1}{2}$ miles by the road from Queenstown.

91. And it would be about the same distance by the tramway? Yes, about the same, probably a little bit longer.

92. The elevation of the Gap is 1400 feet? Yes.

93. The rise then would be, from Queenstown 500 feet, and then there would be a rise of 800 feet between Queenstown and the Gap? Yes.

94. That would be in a distance of how far? About five miles.

95. Then Gormanston itself, is that not at an elevation of about 1100 feet? No, there is 100 feet datum, that is 100 feet above sea-level. Queenstown's actual level is 400 feet.

96. Then there would be a fall between the Gap and Gormanston of 300 feet? Yes.

97. In what length? As the road now is, not more than half a mile.

98. It would be more by the tramway? Yes.

99. Consequently there would be some steep gradients to negotiate? Yes, it is necessary.

100. It is impossible to avoid them? Yes.

101. You think a minimum rate of speed would be necessary on such a line? Yes, on account of the gradients; we can't get up without steep grades.

102. Well, with reference to the country itself you say it is broken and rough and difficult, some parts more so than others; for instance, Conglomerate Creek and Roaring Meg's Creek would be the most difficult parts? Yes, these places are of a very difficult character, just these two places. The rest of the country is comparatively easy, still difficult country but not so abrupt.

103. In these cases you would have to provide for short curves? Yes, they would be necessary there.

104. They would be exceptional, only necessary in one or two cases? Yes, in most cases the line would be easy.

104A. Would it be absolutely necessary to make short curves in those two places? Well, you can't tell that till you try.

105. Can you give me any estimate as to what the total cost of the construction of the tramway would be,—I mean your own estimate of it? From what I see of the Dundas line, I should put it down at about £2000 a mile, say about £10,000 in all.

106. Say between £10,000 and £12,000? Yes, of course that is very rough.

107. In carrying out any extension of the line would there be any great difficulties to overcome,—I mean engineering difficulties? Not when the line gets to Gormanston. There would be no difficulty then in making communication with the mines.

108. And a line such as you propose to lay down would be quite equal to any traffic from the mines connected with it? Yes, quite capable of taking it all.

EDWARD ALBERT COUNSEL, *called and examined.*

109. *By Mr. Gant.*—Your name is Edward Albert Counsel? Yes.

110. And you are Surveyor-General, under the Department of the Minister of Lands? Yes.

111. Can you give us any information as to the number of lots that have been selected and purchased in the Towns of Gormanston and Queenstown? Yes, 132 lots in Gormanston and 98 in Queenstown.

112. Can you give us information as to the lands selected in the Parish of Turrah, King's River? Yes, 18 lots have been selected, containing about 492 acres.

113. And the average of the lots sold in the two towns? In Gormanston 31 acres for 132 lots, that is the town lots cover 31 acres, and in Queenstown 98 lots, covering 24 acres.

114. Take it to the end of last month, how much purchase money has been paid to the Government for these lots? Altogether about £11,000. In the town lots £10,300; in the selection lots the greater sum is still unpaid.

115. And what has yet to be paid—what is the amount due? I cannot tell you at the moment.

116. Give an idea of it? That is the total amount shown in the return.

117. This land in the Parish of Turrah would be mostly for agricultural purposes? Yes, it has been selected for agricultural purposes; this land would be very suitable for root crops and pastures.

118. If there were better means of communication much of the land in that country would be taken up for farming? Yes, I think so, or for fattening stock as time goes on.

119. At the present time there is no adequate means of communication, I believe? No, not at the present time.

120. So that if adequate means of communication be not provided, this land might be idle for some time to come? Yes, some of it; it would be taken up or selected right off if there were more traffic.

121. Then I am right in concluding that better means of communication would prove profitable to the Government; would that apply to Town lots also? Yes, it would have that effect.

122. I don't think, from what you know of the Bill, that you will find anything prejudicial to the interests of the Government so far as your Department is concerned? No, it is all in favour of my Department; it would lead to an increase in the sale of land, and bring some measure of prosperity locally as well.

123. *By Mr. Brown.*—Are you satisfied that the amounts given as the land revenue from the return you hold, as derived from the sale of land, is the whole of the purchase money that has to be paid, or only what has been paid up to the present time; it is important to know that? Well, I should like to confirm that; the return is not very clear.

124. Will you do so, and communicate with the Chairman? Yes.

The Committee adjourned until ten o'clock to-morrow.

FRIDAY, 21ST AUGUST.

FREDERICK BACK, *called and examined.*

125. *By Mr. Gant.*—Your name is Frederick Back? Yes.

126. And you are General Manager of Government Railways? Yes.

127. You know the district and the proposed tramway? Yes, so far as the information given in the Bill is concerned.

128. You have looked through the Bill? Yes.

129. Is there anything in the Bill prejudicial to the interests of the general public or of your Department? As far as I am aware there is nothing in the Bill that could prejudicially affect the Government Railways. There are one or two clauses which I think will require attention, but the proposals as a whole will not affect the interests of the Government Railways in any way, therefore I would offer no opposition to it from that point of view. Of course the question as to your getting up the

required height and so forth are matters of detail for the consideration of your engineers. I see that they propose a 20 lb. rail; probably you will find after consideration that it will be cheaper and better to put down a heavier rail.

130. Would you make any suggestion as to what weight of rail should be used? Well, with the grades you would have, and I expect they will be very severe, you will probably find it better to use a 40 lb. rail; I should, if I were constructing the line. Of course it is a matter of detail.

131. *By Mr. Urquhart.*—You are aware they are not bound to a 20 lb. rail—that is the minimum, but that is not necessarily the maximum? Yes, I understand, but having looked into the matter I would decidedly say use a 40 lb. rail. Under Section 19 they would appear to give power to the company to construct branch lines of indefinite length.

132. *By Mr. Gant.*—Yes, but that is protected by the consent of the Governor in Council being necessary in each instance? Yes, I see that.

133. Would you not consider that a sufficient protection for the general public? Yes, but it is a large power to give, is it not?

134. Well, it seemed undesirable to limit ourselves, and so to have recourse to Parliament whenever we want to extend the line. We thought the consent of the Governor in Council being required would be sufficient protection for the public interest, and that having to come to Parliament every time an extension was required would be a useless expense? Unless you were to take power for the construction of branches of definite length?

135. But it would be impossible to say until the line is made and the traffic developed what deviations might be required? Yes, probably.

136. *By Mr. Urquhart.*—Would the introduction of a limit to a certain radius meet the difficulty? You would have to be governed by the country. In respect to these Bills I have always found it desirable to define the powers more clearly than has been done in the past. No doubt it may be very desirable that this tramway should make branches, especially in the event of additional mines springing up.

137. What radius would you suggest? Well, equal to the length of the line. Say, a radius of five miles from their terminus. It is not a matter of five or ten miles, when you are so far away from other localities. It might be wise to take a more liberal view and say ten miles from the terminus.

138. *By Mr. Urquhart.*—Do you mean ten miles on either side of the line? Yes, you might settle that by making it subject to the consent of the Governor in Council.

139. *By Mr. Gant.*—But ten miles from the South would not do? You might get it from either side. What I have in view is this. The country thereabouts is unexplored, and it might be necessary, in view of the future, to find the means of communication to develop mines discovered on the other side. When these mines start operations this company might find it advisable from a commercial point of view to construct lines to those mines, and if you define their powers now it would do away with probable future difficulties, and assist the Company too.

140. Do you think the construction of this tramway would materially encourage lessees to open out mines? Yes, I think so.

141. And if you restrict it to a radius of five miles, might not some good mineral country be just outside the radius, and be left undeveloped through not having means of communication? I don't think it would be wrong to make it a ten mile radius.

142. *By Mr. Gill.*—Would going ten miles towards the coast affect you at all? No, not if the direction was settled by the Governor in Council. There are only two other small matters in the Bill I should wish to make any remark upon. I refer first to Section 20: I have always held it to be desirable, and have found it to be the case lately where the Government have to employ an officer to inspect, that the company should defray his expenses. It is a very small thing, but at present there arises a financial difficulty. Suppose an officer is called on to inspect the line during construction, there is no voté to which his services could be charged.

143. *By Mr. Urquhart.*—What can you put the expense down at? Well, I would put the figure down at the rate of about £100 a year during construction. By providing for it in the Bill simplifies matters very much. I have a case now in hand where a similar omission has caused complications.

144. *By Mr. Gill.*—Section 20 also refers to keeping the tramway in proper repair after construction? Yes, I have a note of that also, but I see that is provided for, but an arrangement should be made for payment of the inspector during the time of construction. I should say at the rate of £100 a year. It does not follow that the full amount would be required. The Government would take up the position of the Board of Trade in England, and would see that everything was properly carried out. Clause 69 states that it shall be lawful for the promoters to let or lease the tramway, &c., &c. It would be advisable here to incorporate a sentence or clause making such lease subject to approval by the Government of the lessee. I should suggest inserting after the word "promoters," in the first line, "subject to the approval of the lessee by the Government."

145. *By Mr. Gant.*—Have you any other suggestions? No, I don't think of anything else. The Bill seems fairly complete.

146. *By Mr. Gill.*—Go back to Section 20—could you say any amount that might be taken as security for due performance of the contract after construction. Is there anything that arises? No, I do not think it is necessary, because the Government occupies the position that the Board of Trade occupies in the Old Country. They have every power to keep up and repair.

147. How about payment if the people fail to carry the Bill out? Well, that could be provided for from a certain point of time, as you insert a clause providing for payment of a sum not exceeding £100 a year for inspection during construction. I may not be correct, but I don't see any other clause that would enable the Minister to take action if the company does not carry out the construction of the line. There is no objection to the Bill in so far as the Railway Department is concerned.

148. *By Mr. Urquhart.*—If the company don't do it, you think there should be some penal clause to meet that contingency? Yes.

FRANCIS BELSTEAD, *called and examined.*

149. *By Mr. Gant.*—Your name is Francis Belstead? Yes.
150. And you are Secretary for Mines? Yes.
151. Have you read the Bill before the Committee? Yes.
152. Do you think it contains anything prejudicial to the interests of mining in Tasmania or the public generally? No, I do not.
153. Is it a fair Bill, as far as you know? I think so.
154. Are you of opinion that this tramway would be a benefit to the district? Decidedly. A tramway or any kind of road would be a benefit to the district.
155. You think a tramway would assist in developing the mining interests in that part of the Colony—do you think it would encourage lessees to work their claims? It would give people great facilities of working as a matter of course.
156. Can you tell us how many surveyed sections there are in and around that district? The district that this tramway would serve—confining it to that district—there are 189 surveyed sections, with an area of 5050 acres, and there are 85 unsurveyed sections, the applications for which represent about 4000 acres; roughly, about 9000 acres in all.
157. And the whole of these sections will be benefited by the proposed tramway? Yes, more or less.
158. *By Mr. Mackenzie.*—This Bill empowers the company to extend branch lines? Yes.
159. Do you think it is desirable to give the company that power, or would it be desirable to restrict it? Not to restrict it, certainly, but to encourage its extension as far as possible.
160. To give it full power to go where it likes? Yes, wherever there are mines. I would give the company as free a hand as possible.
161. And not restrict it to a certain radius? Certainly not.
162. *By Mr. Gill.*—Would not the existence of these tramways in mineral districts, when completed, take away the excuses so often made for non-compliance with the labour clauses of the leases? From those mines in the vicinity, certainly.
163. *By Mr. Urquhart.*—Then you would let those lines extend as they like, so long as they did not interfere with the Government tramways? Distinctly so.
164. In case of an extension to Mount Reid for instance, would that benefit the Government? I can't say that, but you see the Government are not showing any desire to do it themselves.
165. Not now, but the Mount Reid tramway might some day go to Gormanston? It might, but there is no present prospect of it.
166. Mr. Back suggests that the extensions which may be made by this company should be restricted to a radius of ten miles—what do you think? You mean ten miles on either side: well I confess I don't see any necessity for it.
167. But there may be developments that might render it necessary. We want to protect the Government interests in the future, we all recognise the effect of it? I have never heard of any present probability of any line of rail or tramway being made that this could compete with.
168. But if the population became very large, say 5000 or 10,000 the Government might want to connect with the Zeehan? Yes, but if they wanted to do that they would want something more than a 2-ft. tramway. This is only a 2-ft. tramway and I don't think it likely it could interfere with any Government project that there is reasonable anticipation of being carried out: of course that is only my opinion.

APPENDIX A.

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

The humble Petition of Howard Edward Wright, Eric Webster, and Thomas Augustus Reynolds, all of Hobart, in Tasmania,

SHEWETH:

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

In the *Hobart Gazette* on the thirtieth day of June and the seventh and fourteenth and twenty-first days of July now last past; in the *Mercury*, being a public newspaper published in Hobart, on the thirtieth day of June and the seventh and fourteenth and twenty-first days of July now last past; in the *Zeehan and Dundas Herald*, being a public newspaper published in or nearest to the District affected by the Bill, on the thirtieth day of June and seventh and thirteenth and twentieth days of July now last past: which said notice contained a true statement of the general objects of the Bill as hereinafter set forth.

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

To enable your Petitioners to construct a Tramway from some point in or near the Town of Queenstown, to some point in or near the Town of Gormanston, and also such extensions, branches, and deviations of and to such Tramway as may be authorised by the Parliament of Tasmania.

To construct, maintain, and repair the said Tramway, and all such extensions, branches, and deviations, together with all proper rails, crossings, bridges, culverts, junctions, sidings, stations, buildings, telegraphs, and other works and conveniences connected therewith, or convenient for the purposes thereof, upon any Crown Lands or lands reserved as mining areas, or leased for mining purposes, or private property, or other lands.

To work the said Tramway and all such extensions, branches, and deviations, by steam power, or by the use of electricity, or by horse-power, or in any other manner.

To purchase, take, lease, or otherwise acquire any land, timber, stone, or other material for the purposes of the said Tramway, and all such extensions, branches, and deviations as aforesaid, and the works and appurtenances thereof, and to provide for the incorporation of "The Lands Clauses Act" (21 Vict. No 11), or so much thereof as may be necessary with the said Bill, and otherwise for the purchase, taking, or acquisition of any such land, timber, stone, or other material.

To construct and work the said Tramway, and the said extensions, branches, and deviations over public roads and streets.

To demand and take tolls and charges for the carriage of passengers and goods upon such Tramway and the said extensions, branches, and deviations.

To provide for the due working and management of the said Tramway and the said extensions, branches, deviations, and works, and to make By-laws and Rules in relation thereto, and to the traffic and business thereof, and to provide for the infliction of penalties upon persons infringing the provisions of the said Bill, By-laws, or Rules.

To borrow money for the purposes of the said undertaking upon security of the assets of the said undertaking, or any portion thereof, or otherwise.

To give and obtain running powers over other Tramways and Railways.

To sell or lease the said Tramway and the said extensions, branches, and deviations, and the lands and works connected therewith, or any of them, or any part thereof, as shall be deemed expedient.

The said Bill will also contain all clauses usual in Bills of a like nature, or deemed necessary or proper for enabling your Petitioners to carry out the works and undertakings as aforesaid.

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

And your Petitioners will ever pray, &c.

Dated this twenty-first day of July, one thousand eight hundred and ninety-six.

HOWARD E. WRIGHT.
ERIC WEBSTER.
T. A. REYNOLDS.

APPENDIX B.

Club Chambers, Collins-street, Hobart, August 6th, 1896.

*The Chairman of the Select Committee, Queenstown and
Gormanston Tramway Bill, House of Assembly.*

SIR,

I BEG to support the above Bill for the following reasons :—

1. That the construction of a Tramway from Queenstown to Gormanston will prove of great public convenience to the inhabitants of the locality, and to the owners of the various mines in the vicinity.
2. That, owing to the very hilly nature of the country, a light Tramway with sharp curves and steep gradients would be far superior, both as regards capacity and economy of freights, &c., to the present cart road in use between the two Townships, which will always be difficult and expensive to maintain, and which, owing to the heavy gradients, can only enable very limited loads to be taken over it.
3. That the interests of the Mount Lyell Company's Railway are not prejudiced in any way by the Bill, and, on the contrary, the Tramway may prove beneficial to their traffic.

I have the honor to be,

Sir,

Your obedient Servant,

E. CARUS DRIFFIELD, *Suptg. Engineer, Mt. Lyell Co.*

[60 VICT.] *Queenstown and Gormanston Tramway.*

As amended by the Select Committee.

A

B I L L

TO

Authorise certain Persons to construct and A.D. 1896.
maintain a Tramway from the Town of —
Queenstown to the Town of *Gormanston*, and
for other purposes.

WHEREAS the making of the Tramways hereinafter particularly described, with their appurtenances and other works connected there-
with, would be of great public and local advantage : PREAMBLE.

And whereas it is desirable that authority should be conferred by
5 Parliament on *Howard Edward Wright*, *Eric Webster*, and *Thomas*
Augustus Reynolds to construct, maintain, and work the said Tram-
ways, appurtenances, and works, upon the terms and conditions herein-
after mentioned :

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

1 This Act may be cited for all purposes as “The *Queenstown* and Short title.
Gormanston Tramway Act, 1896.”

[*Private.*]

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

Queenstown and Gormanston Tramway. [60 VICT.]

A.D. 1896.

Interpretation.

2 In the construction and for the purposes of this Act the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them :—

“Crown Lands” or “Crown Land” shall mean any lands in the Colony which are or may become vested in the Crown, 5 and have not been and are not dedicated to some public use, and includes all lands of the Crown which are or may be occupied for pastoral or mining or other purposes under any lease or licence issued or applied for in pursuance of any Act of Parliament of this Colony : 10

“The Promoters” shall mean *Howard Edward Wright, Eric Webster, and Thomas Augustus Reynolds*, and their executors, administrators, and assigns :

“Person” includes “Corporation” and “Company” :

“Leased land” or “Land previously leased” shall mean land 15 comprised in any lease or licence issued in pursuance of any Act of Parliament of this Colony :

“The Commissioner” shall mean any one of the Commissioners of Mines for *Tasmania* :

“Minister” shall mean the Minister of Lands and Works for 20 the time being :

“Road” or “street” or “public road or street” shall include any railway or tramway :

“The Tramway” or “the Tramways” shall mean the Tramway or Tramways or any Tramway by this Act authorised, or 25 any extension or branch line or lines of Tramway which may at any time be constructed under the authority of this Act.

Division of Act.

3 This Act is divided into Eleven Parts, as follows :—

Part	I.—Construction and Maintenance of Tramway.	30
Part	II.—Acquisition of Land.	
Part	III.—Power to enter upon Lands.	
Part	IV.—Prior Leases.	
Part	V.—Compensation.	
Part	VI.—Levy and recovery of Tolls and Fares, &c.	35
Part	VII.—Telegraphs and Telephones.	
Part	VIII.—Purchase of Tramway.	
Part	IX.—Power to assign or mortgage.	
Part	X.—By-Laws.	
Part	XI.—Miscellaneous.	40

PART I.

CONSTRUCTION AND MAINTENANCE OF TRAMWAY.

Power to construct Tramway.

4 It shall be lawful for the Promoters, subject to the provisions of this Act, to construct, maintain, and work a Tramway from a point in or near the Town of *Queenstown*, in *Tasmania*, to a point in or near the Town of *Gormanston*, in *Tasmania*, along such route as shall be approved by the Minister under the provisions of this Act, with all 45

[60 VICT.] *Queenstown and Gormanston Tramway.*

proper rails, plates, sidings, tunnels, turn-tables, crossings, junctions, approaches, stations, buildings, and erections, and other works and conveniences connected therewith or necessary for the purposes thereof, and to take and use so much of the Crown or private lands and of the roads, streets, and reserves both public and private through which such route shall pass as may be required for the construction and working of such Tramway. A.D. 1896.

Provided always, that nothing herein contained shall authorise the Promoters to take and use for the construction or maintenance of the Tramway any piece or strip of Crown land more than One chain in width.

Provided also, that the right hereby conferred upon the Promoters to take and use Crown land and any road, street, or reserve for the construction and maintenance of the said Tramway shall not be deemed to give the Promoters any right to the soil of any such Crown Land, road, street, or reserve, other than a right of user thereof for the purposes of this Act.

5 The Tramway shall be constructed and worked from a terminus to be approved by the Minister in or near the Town of *Queenstown* to be approved by the Minister at or near the Town of *Gormanston* aforesaid, and shall have a gauge of not less than Two feet; with curves of a radius of not less than One chain, and rails of not less than Twenty pounds to the yard. Length, gauge, &c., of Tramway.

6 The Tramway shall be constructed in a substantial manner fit for the carriage of vehicles at a rate of not less than Four miles per hour, and shall be maintained and worked by the Promoters in accordance with the provisions of this Act, and subject thereto to the satisfaction of the Minister or such officer as he may appoint. Tramway to be constructed in substantial manner, &c.

7 Before the Promoters shall commence to construct the Tramway they shall deposit with the Minister a copy of the working plan and section of such Tramway, and showing on such plan the private or Crown lands or mineral leases affected, and the proposed method of dealing with any roads, streets, or tramways affected; such plan, in so far as it affects Crown lands or mineral leases, to be certified by an authorised surveyor of the Colony; and the Minister may require such alterations as he thinks necessary to be made in such plan and section so deposited with him as aforesaid in order to bring the same into accordance with the provisions of this Act: Provided always, that the Promoters may submit the plans and sections above referred to from time to time for portions of the line instead of for the whole line and before commencing construction of such portion: Provided further, that all detailed plans of any of the works, together with specifications under which the same are to be executed, shall also be lodged with the Minister as the construction of the said Tramway proceeds. And the Promoters shall construct the Tramway in accordance with the plans, sections, and specifications so deposited with the Minister, or thereafter approved of by him, with such alterations therein as he may have approved or required to be made. Before commencing to construct Tramway, Promoters to deposit plans with the Minister.

8 The Promoters may from time to time during the construction of the Tramway make such alterations in the plans, sections, and specifications thereof deposited with the Minister as aforesaid as the Minister may from time to time approve. Promoters may make alterations in plans.

A.D. 1896.

Tramway may be inspected during construction.

9 The Minister may from time to time appoint one or more officers to inspect the Tramway during the construction thereof, and it shall be lawful for every officer so appointed for the purpose aforesaid from time to time to enter upon the Tramway during the construction thereof and to inspect the manner in which the same is being constructed, and the condition and state of repair thereof; and the Minister, upon the report of any such officer as aforesaid, may require the Promoters to make such additions or repairs to the Tramway as may be necessary to make the Tramway comply with the plans, sections, and specifications thereof approved of by the Minister or to ensure the safety of the Tramway; and the Promoters shall, within such time as the Minister shall require, make all such additions or repairs to the Tramway as the Minister shall so require as aforesaid. No part of the Tramway shall be opened for passenger traffic until such officer as the Minister may appoint has certified that such Tramway has been efficiently constructed, and all the rolling stock to be used thereon for such traffic is in good and efficient repair and condition, and may be safely used for public passenger traffic thereon. (Provided always, that the cost of such inspection shall be paid for by the Promoters; such cost not to exceed One hundred Pounds per annum.)

20

Commencement and completion of Tramway.

10 The Tramway referred to in Section Four of this Act shall be commenced in a *bonâ fide* manner within Six months after the passing of this Act, and shall be completed fit for passenger traffic within Two years from the passing of this Act, or within such further time from the end of such Two years as the Governor in Council may see fit to allow.

25

Power to break up roads.

11 Subject to the provisions of this Act, the Promoters may, from time to time, open and break up any road for the purpose of making, forming, laying down, constructing, maintaining, or renewing the Tramway.

Penalty for injuring any road or street.

12 The Tramway shall, so far as possible, be so made as not to unreasonably or unnecessarily impede, injure, prevent, or interrupt any ordinary or rightful traffic upon any public road or street, or to increase the cost of making, maintaining, repairing, and upholding the same: Provided always, that if at any time complaint shall be made to the Commissioner by or on behalf of the person in whom any such road or street is vested, or under whose control the same may be, that the provisions of this Section are being infringed by the Promoters, it shall be lawful for the Commissioner, at any time before the completion of the works complained of as in contravention of this Section, to make such order upon the Promoters for securing due compliance by them with the provisions hereof as such Commissioner may deem necessary. In default of compliance with such order, the Promoters shall be liable to pay to the person by or on whose behalf the complaint is made a penalty not exceeding the sum of Five Pounds for each such default, and also to pay to such person the cost, to be assessed and determined by the Commissioner, of remedying every such impediment, injury, prevention, or interruption as in this Section mentioned; and all such penalties and costs shall be recoverable in the mode prescribed by *The Magistrates Summary Procedure Act*.

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The Promoters to repair damages.

13 The Promoters shall from time to time make good, repair, and amend all damage which may be done by them to or upon any public road or street in, through, over, or along which the tramway is constructed; and in case of their refusal or neglect so to do after reasonable notice given, and upon such repairs or amendments being effected by or

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[60 Vict.] *Queenstown and Gormanston Tramway.*

on behalf of the person in whom the said public road or street is vested, A.D. 1896.
 or under whose control the same may be, the cost of such repairs or
 amendments shall be assessed and determined, and may be recovered
 by or on behalf of such person, in like manner with the costs mentioned
 5 in the next preceding Section.

14 The Tramway shall, whenever its course is over or along any Roads to be
 public road or street, be laid at or about the general level of such road crossed on a
 or street; and the Promoters may, with the consent of the local or other level.
 authority having control of such road or street, alter the levels of such
 10 road or street: Provided, that all expenses incurred in the re-formation
 of such road or street so altered shall be borne by the Promoters unless
 otherwise agreed upon.

15 If in the exercise of the powers hereby granted it be found Before roads
 necessary to crosscut through, raise, sink, or use any part of any road, interfered with
 15 whether carriage road or horse road, either public or private, so as to others to be
 render it impassable for or dangerous to, or extraordinarily inconvenient substituted.
 to passengers or carriages, or to the persons entitled to the use thereof,
 the Promoters shall before operations are commenced cause a sufficient
 road to be made instead of the road to be interfered with, and shall at
 20 their own expense maintain such substituted road for a period of Six
 months in a state as convenient for passengers and carriages as the road
 so interfered with, or as nearly so as may be.

16 Nothing in this Act contained shall be construed to prevent the Minister may
 construction of any public road across the Tramway at any point authorise con-
 25 directed by the Minister upon payment of proper compensation for any struction of
 interference with the works of the Promoters, which compensation in public road across
 case of dispute shall be settled by arbitration in the manner prescribed Tramway.
 by *The Lands Clauses Act* in cases of disputed compensation.

17 The Promoters may construct, maintain, and work, in accord- Promoters may
 30 ance with the provisions of this Act, any lines of Tramway from and make Tramways
 forming a junction with the lines hereby authorised along or across for the purpose of
 any road, for the purpose of entering, leaving, or using any stables, entering stables
 sheds, or other business premises which the Promoters may from time or sheds.
 to time use in connection with their business, or for the purposes of
 35 obtaining ballast, timber, or other materials.

18 It shall be lawful for the Promoters to connect with any other Rights to connect
 Tramways or Railways of or belonging to any other persons, for the with other
 necessary purpose of the formation and working of the Tramways of Tramways or
 the Promoters, subject to such terms and conditions as may be Railways.
 40 mutually agreed upon between the Promoters and such persons.

19 After the completion of the Tramway hereinbefore authorised Promoters may
 to be constructed, the Promoters may, with the consent of the Governor extend Tramways,
 in Council, extend the line of any such Tramway, or make such and make new
 alteration in the route thereof as the Promoters from time to time Tramways.
 45 deem necessary, or construct and maintain such branch lines and
 additional Tramways [in the neighbourhood] (within a radius of Ten
 miles) of *Gormanston* or *Queenstown* [and places adjacent thereto] as
 may from time to time be sanctioned by the Governor in Council; and
 all the powers and privileges conferred upon the Promoters by this Act
 50 with reference to the construction or maintenance or renewing or

Queenstown and Gormanston Tramway. [60 VICT.]

A.D. 1896.

working of the Tramway referred to in Section Four shall be read and construed so as to include and have reference to any such extension or alteration of route, or such branch lines or additional Tramways as aforesaid.

Tramway to be kept in proper repair.

20 After the Tramway is completed the Promoters shall properly 5 and efficiently maintain the Tramway; and the Minister may from time to time appoint one or more officers to inspect the Tramway and to report upon the state and condition of repair thereof and the manner in which the same is being maintained; and it shall be lawful for every officer so appointed for the purpose aforesaid from time to 10 time to enter upon the Tramway and to inspect the same and all the rolling-stock thereof, and the manner in which the Tramway is being worked; and the Minister may, upon the report of any such officer as aforesaid, require the Promoters to make such repairs to the Tramway as may be necessary to ensure the efficient maintenance of the 15 Tramway in accordance with the provisions of this Act; and the Promoters shall, within such time as the Minister shall require, make all such repairs to the Tramway as the Minister shall so require as aforesaid. (and in default of the Promoters carrying out such repairs as aforesaid they shall be liable to a penalty of not less than Five 20 Pounds nor more than Ten Pounds for every day which shall elapse before such repairs shall be effected, such penalty to be recovered in a summary manner before any Two Justices of the Peace.)

Materials from private land.

21 The Promoters for the purpose of constructing, repairing, working, and maintaining the Tramway may, after Seven days' notice 25 to the owner or occupier, enter upon any uncultivated land, and may fell, carry away, and use indigenous timber, except when the same is used for ornament or shelter to any dwelling-house, and may also dig, quarry, or carry away, and use clay, stone, or other material, and may place and deposit upon such land any materials, waste, or spoil: Pro- 30 vided, that full compensation for taking any of such materials, or for depositing any such materials, waste, or spoil as in this Section mentioned, shall be made to all parties interested for the damage thereby sustained.

Materials from Crown Lands.

22 The Promoters may from time to time for the purposes of this Act fell timber and use and carry away the same, and dig and use clay, 35 stone, and other material upon any Crown Land in the vicinity of the Tramway, and may place and deposit upon any such Crown Land any materials, waste, or spoil, and may fell all timber which in the opinion of the Promoters it may be necessary to remove for the safe working of the Tramway: Provided, that full compensation shall, in the case 40 of leased land, be made to the lessee for the damage done under this Section, and such compensation shall be settled in the mode prescribed by Part IV. of this Act in cases of disputed compensation.

Compensation.

PART II.

ACQUISITION OF LAND.

Power to purchase land.

23 The Promoters may, in addition to the right of using any Crown Lands for the purposes of the Tramway, purchase, acquire, and take 45 such other land as may be necessary for the purposes of this Act.

[60 VICT.] *Queenstown and Gormanston Tramway.*

24 For the purpose of enabling the Promoters to purchase, acquire, and take other land as hereinbefore provided, or any material required for the construction or maintenance of the Tramway, *The Lands Clauses Act* shall, except as hereby varied, be incorporated with this Act; but there shall not be incorporated with this Act Sections Eight and Nine of the said *Lands Clauses Act*. A.D. 1896.
The Lands Clauses Act
incorporated.
21 Vict. No. 11.

In the construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act, and the Promoters shall be deemed to be the "Promoters of the undertaking."

PART III.

POWER TO ENTER UPON LANDS.

25 Subject to the provisions of this Act, it shall be lawful for the Promoters, for the purpose of constructing, maintaining, and working the Tramway, to execute any of the following works; that is to say— Construction of
works.

To enter upon any lands to survey and take the levels of the same :

15 To make or construct upon, across, under, or over any lands, streets, roads, rivers, creeks, or other waters any temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, culverts, drains, arches, cuttings, fences, and other works :

20 To divert or alter, as well temporarily as permanently, the course of any streams of water, roads, streets, or ways, or raise or sink the level of any such roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the Tramway :

25 To make drains or conduits into, through, or under any lands adjoining the Tramway, for the purpose of conveying water from or to the Tramway :

30 To draw water from any stream or river in the vicinity of the Tramway for the supply of locomotives and other purposes at such elevation as may be necessary to secure a fall into any Tramway tank by natural gravitation :

To erect and construct any houses, warehouses, good-sheds, offices, and other buildings, yards, stations, wharfs, engines, machinery, and apparatus, and other works and conveniences :

35 To from time to time alter, repair, or discontinue the before-mentioned works, or any of them, and substitute others in their stead :

To do all other acts necessary for making, maintaining, altering, or repairing and working the Tramway :

40 Provided, that in the exercise of the above-named powers the Promoters shall do as little damage as can be, and shall make full compensation, in manner herein, and in any Act incorporated herewith provided, to all parties interested for all damage by them sustained by reason of the exercise of such powers.

26 Before the Promoters shall use any fenced or otherwise enclosed lands for any of the purposes aforesaid, they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto with such gates or cattle-guards as may Promoters to
separate the lands
before using them.

A.D. 1896.

be required by the said owner or occupier for the convenient occupation of such lands; and in case of any difference between the owners or occupiers of such roads and lands and the Promoters as to the proper kinds of fences and gates or cattle-guards to be erected, the Promoters shall erect such fences and gates or cattle guards as the Commissioner 5 shall deem necessary for the purposes aforesaid, on application being made to him by either party: Provided that due notice of any such application shall be given to the other party, who shall have an opportunity of being present at the hearing thereof.

Power to enter upon adjoining lands to repair accidents, subject to certain restrictions.

27 In case of accidents or slips happening, or being apprehended, 10 to the cuttings, embankments, or other works of the Tramway, it shall be lawful for the Promoters and their workmen and servants to enter upon the land adjoining thereto at any time whatsoever for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose; but in every such case the 15 Promoters shall within Forty-eight hours after such entry make a report to the Minister specifying the nature of such accident or apprehended accident, and of the works necessary to be done, and such powers shall cease and determine if the said Minister shall after considering the said report certify that their exercise is not necessary for 20 the public safety: Provided that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch; and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respec- 25 tively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled in the same manner as cases of disputed compensation in other cases under this Act: Provided also, that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally 30 taken for the purpose of making the Tramway.

PART IV.

PRIOR LEASES.

Protection to rights of lessees.

28 When the Tramway passes over leased land, then the rights of the lessee shall not be affected except so far as may be necessary for carrying out the purposes of this Act, and the lessee may accordingly exercise all powers conferred upon him in respect of the leased land: 35 Provided that he shall not carry on any mining operations within Fifty feet of the surface of any land comprised in the said lease and occupied by the Promoters, nor in such a way as to endanger or inconvenience the working of the Tramway.

Settlement of disputes.



Should any dispute arise between any persons under this Section the 40 same shall be decided by the Commissioner, (with Two Assessors, One Assessor to be appointed by each party to the dispute,) who shall have power to decide what, if anything, shall be done or shall not be done by any person, and what damages and costs, if any, shall be paid by any person.

[60 Vict.] *Queenstown and Gormanston Tramway.*

29 Where the Tramway passes over leased land, then the Promoters shall serve upon the lessee a notice describing with all reasonable accuracy, by means of a plan or otherwise, the proposed course, direction, or situation of the Tramway.

A.D. 1896.

Notice of intention to make Tramway.

30 The Promoters may, for the purpose merely of surveying and taking levels, after giving not less than Twenty-four hours' nor more than Seven days' notice to the lessee, enter upon any leased land without the previous consent of any person.

The Promoters may enter after notice.

31 In any case in which a notice is required to be served on the lessee under this Act, the same shall be deemed to be duly served if such notice is served upon the person in charge of or occupying the land in respect of which such notice is given, or, if there be no person in charge of or occupying such land, then such notice shall be deemed duly served upon proof of the same having been posted in some conspicuous place on the said land.

How notice may be served.

32 Before any work shall be constructed under or in pursuance of the powers given by this Act through, over, or upon any leased land the lessee shall be paid by the Promoters such compensation (if any) as shall be determined by agreement between the lessee and the Promoters; and if such compensation shall not be fixed by agreement within Three months after the service of the notice mentioned in Section Twenty-nine, then such compensation (if any) shall be determined by the Commissioner, (with Two Assessors, one Assessor to be appointed by each party to the dispute,) whose decision shall be final and binding upon all parties.

Compensation to lessee.

Provided always, that compensation shall not be payable to any person in respect of any land applied for or occupied under any lease or licence, and being within one chain of the centre of any proposed line of Tramway under this Act which shall hereafter be surveyed for the purposes of such line of Tramway, if such application or occupation shall have been made or taken place after the passing of this Act.

33 In estimating the compensation (if any) to be paid to the lessee, regard shall be had only to the damage (if any) to be sustained by the lessee by reason of the severing of the lands occupied by the Promoters from the other lands of the lessee, or otherwise injuriously affecting such other lands or buildings or mining works by the exercise of the powers given to the Promoters by this Act. The Commissioner (and Assessors) shall not be bound to award any sum for damage unless in [his] (their) opinion substantial damage shall have been sustained.

Compensation how estimated.

34 In case of non-payment of any sum of money awarded [by the Commissioner] under this Act within such period as [the Commissioners] shall [at any time appoint,] (be ordered,) the Commissioner shall, for the purpose of enforcing payment of such sum, have and may exercise all the powers conferred upon a Justice of the Peace by *The Magistrates Summary Procedure Act*.

Commissioner may exercise power conferred on Justices.

19 Vict. No. 8.

35 The Commissioner shall have and may exercise, for the purpose of procuring and enforcing the attendance of persons and witnesses, and for hearing and determining any matter brought before him under this Act, all the powers conferred upon a Justice of the Peace by *The* [Private.]

Power to enforce attendance of witnesses.

A.D. 1896.

Magistrates Summary Procedure Act; and such Commissioner may award and order that one party shall pay to the other party such costs and expenses as to such Commissioner shall seem just and reasonable; and the amount thereof shall be recoverable in the same manner as costs ordered by a Justice of the Peace to be paid may be recovered 5 under the said Act.

PART V.

COMPENSATION.

Compensation
how determined.

36 Whenever by this Act compensation is directed to be made by the Promoters to any persons whose interests are affected by the exercise of the powers hereby conferred, such compensation shall, except in cases hereinbefore specially provided for, be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed 10 compensation.

21 Vict. No. 11.

In estimating
compensation to
be paid for land
taken for Tram-
way benefit to
owner to be
considered.

37 In estimating the amount of compensation for severance or otherwise to be paid to any person for or in respect of land or material taken or used for the purposes of the Tramway, the Commissioner or the arbitrators or umpire shall take into consideration the benefit that is 15 likely to accrue to the person to whom such land or material belongs by reason of the construction of such Tramway through the land affected, and the Commissioner or the arbitrators or umpire in awarding compensation to be paid for or in respect of such land or material, shall make such deduction for such benefit as shall be deemed just; 20 and in case it appears to the Commissioner or the arbitrators or umpire that the benefit likely to accrue to the person through whose land such Tramway is about to be taken is equal to or greater than the loss he will sustain by reason of the taking or using of his land or material for such Tramway, the Commissioner, arbitrators, or umpire shall award that 25 no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid.

Costs of arbitra-
tion, how to be
borne.

38 In any case where land or material is required for the purposes of such Tramway, if the Promoters, before any steps are taken under this Act or any Act incorporated herewith, tender to the person 30 entitled to receive the same compensation for severance and otherwise for such land or material, then, if such person refuses to accept the same and to convey the land so required, or to permit the same to be used or material taken, as the case may be, and a reference to the Commissioner or to arbitration takes place, and the Commissioner or arbitrators or 35 umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person, and such payment may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person.

PART VI.

LEVY AND RECOVERY OF TOLLS AND FARES, &c.

39 It shall be lawful for the Promoters, subject as aforesaid, to use and employ locomotive engines, horses, electricity, or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the Tramway all such passengers, materials, and goods, as shall be offered for that purpose, and to make and to sue for such charges in respect thereof as hereinafter specified: Provided, that all such tolls be at all times charged equally to all persons and after the same rate in respect to all passengers, goods, things, cattle, and live stock of the like number or quantity, on carriages of the same description and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of Tramway under the same circumstances; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular person travelling upon or using the Tramway.

Authority to employ locomotive engines, carriages, and other locomotive powers, &c.

40 It shall be lawful for the Promoters from time to time to demand, take, collect, levy, and make such reasonable tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, live stock, chattels, and other things of every description, over and along the Tramway, as may from time to time be fixed by any by-law to be made as hereinafter mentioned and approved by the Governor in Council: Provided that all such tolls, rates, fares, and charges shall at all times be subject to be altered and amended by the Governor in Council.

Rates and tolls.

Provided that Members of the Parliament of *Tasmania* shall be entitled to travel free on the Tramway.

41 In case default is made in payment of any money due and payable under the authority of this Act in respect of the carriage or conveyance of any passenger or any goods, merchandise, live stock, chattels, or other things of every description, or the demurrage or storage of any goods or merchandise, the same may be recovered in a summary way before any Justice of the Peace; and it shall be lawful for the Promoters to detain the goods, merchandise, live stock, chattels, or other things in respect of which such money is payable until the same shall have been fully paid and satisfied; and also if such goods, merchandise, or other things have been detained during a period of not less than Six months, to sell the same or so much thereof as may be necessary by public auction to be duly advertised, and to apply the proceeds in or towards satisfying the money so due and payable: Provided that live stock and perishable goods may be sold forthwith.

Rates and tolls may be recovered.

42 Nothing in this Act contained shall extend to charge or make liable the Promoters further or in any other case than according to the laws of this Colony stage-coach proprietors and common carriers would be liable, and the Promoters shall at all times be entitled to the benefit of every protection and privilege which may be enjoyed and possessed by such proprietors and carriers.

Not to be liable to a greater extent than common carriers.

43 No person shall be entitled to carry, or to require to be carried upon the Tramway, any aqua fortis, oil of vitriol, explosives, lucifer matches, or any goods which in the judgment of any person employed

Penalty for bringing dangerous goods on the Tramway.

A.D. 1896.

on the Tramway may be of a dangerous nature; and if any person sends by the Tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the person employed as aforesaid with whom the same are left at the time of so sending, he shall forfeit a sum of not less than Five Pounds nor more than Fifty Pounds for every such offence; and it shall be lawful for the person to whom the same is tendered to refuse to take any parcel suspected to contain goods of a dangerous nature, or he may require the same to be opened to ascertain the fact.

10

PART VII.

TELEGRAPHS AND TELEPHONES.

Promoters may
construct
Telegraphs, &c.

44 The Promoters may construct, maintain, and work, and use for their own benefit one or more lines of Electric Telegraph and Telephones along the route of the Tramway, and any electrical works or machinery for the generation and transmission of electricity as a motive power or for lighting, but Government messages shall be transmitted on such lines of Telegraph and Telephones by the Promoters, when required.

Government may
affix wires.

45 The Government may affix telegraphic and telephonic wires upon any posts erected by the Promoters along the route of the Tramway, and may maintain and use such wires for the purposes of telegraphic and telephonic communication upon payment of reasonable compensation.

PART VIII.

PURCHASE OF TRAMWAY.

Minister may
purchase
Tramway.

46 It shall be lawful for the Minister, with the approval of Parliament, at any time after the expiration of Twenty-one years from the passing of this Act, upon giving Six months' notice to the Promoters, to purchase, for and on behalf of Her Majesty—

- i. All or any of the Tramways hereby authorised to be constructed, and all works, buildings, stations, and erections connected therewith, and the land upon which the same are respectively erected and built or used in connection therewith:
- ii. So much of any land heretofore purchased, or acquired, or held, or used by the Promoters for the purposes of the Tramways:
- iii. All plant, permanent way, rolling stock, machinery, and engines used in connection with the Tramways:
- iv. All rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the Tramways which are vested in, held, enjoyed, or possessed by or conferred on the Promoters or any person claiming by, through, or under the same.

[60 VICT.] *Queenstown and Gormanston Tramway.*

- 47** The purchase money of the Tramways, and all moneys to be expended under this Act in or connected with the purchase of the Tramways, shall be defrayed out of moneys provided by Parliament for the purpose. A.D. 1896.
—
Defrayment of
cost of purchase.
- 48** The Tramways, and all the right, title, and interest of the Promoters and of any person or persons claiming by, through, or under the Promoters in and to the same, and all the rights, privileges, powers, and advantages whatsoever affecting or appurtenant to the Tramways which are vested in, held, enjoyed, or possessed by or conferred on the Promoters or such person or persons, shall, upon payment of the purchase money thereof by the Minister, without the necessity of any transfer or connecting title other than this Act, be transferred to and become vested in and be held, enjoyed, possessed, used, and exercised by the Minister, freed and discharged from all claims and demands by or on the part of the Promoters or any other person whomsoever in all respects in the same manner as the Promoters or such person or persons could have held, possessed, enjoyed, used, and exercised the same if this Act had not been passed. The undertaking
of the Promoters
vested in Minister
upon payment of
the purchase
money.
- 49** If the Minister and the Promoters cannot agree upon the sum to be paid as the purchase money of the Tramways, the question shall be referred to Two Arbitrators, to be mutually agreed upon by the Minister and the said Promoters; or, failing such agreement, the reference shall be made in the manner hereinafter provided. In case of differ-
ence, amount of
purchase money
to be settled by
arbitration.
- 50** If the Minister and the Promoters do not agree upon the Arbitrators as aforesaid, the reference shall be made to Two Arbitrators, one of whom shall be appointed by the Minister, and the other shall be appointed by the Promoters. How Arbitrators
to be appointed.
- 51** If the Promoters fail or refuse to appoint such Arbitrator within Fourteen days after being thereunto requested in writing by the Minister, then the Governor in Council may appoint an Arbitrator to act with the Arbitrator appointed by the Minister; and the Arbitrator so appointed shall, for the purposes of this Act, be deemed to be appointed by the Promoters. Appointment by
Governor in
Council.
- 52** Upon any reference being made to Arbitrators under this Act, if before the matters referred to them are determined any Arbitrator dies, becomes incapable or unfit, or for Seven consecutive days fails to act as Arbitrator, the Minister or the Promoters, as the case may be, shall appoint an Arbitrator in his place. Appointment of
Arbitrators to
supply vacancies.
- 53** If the Promoters fail, within Fourteen days after being thereunto requested in writing by the Minister, to appoint an Arbitrator in place of the Arbitrator so deceased, incapable, unfit, or failing to act, then the Governor in Council may appoint an Arbitrator; and the Arbitrator so appointed by the Governor in Council shall, for the purposes of this Act, be deemed to be appointed by the Promoters. Appointment of
Arbitrators by
Governor in
Council to supply
vacancies.
- 54** When any appointment of an Arbitrator is made, the Minister or the Promoters shall have no power to revoke the appointment without the previous consent in writing of the Promoters or the Minister, as the case may be. Appointment of
Arbitrator not
revocable.

A.D. 1896.

Appointment of
Umpire by
Arbitrators.

55 Upon the appointment of Arbitrators under this Act, whether by mutual agreement or otherwise, they shall, before entering on the business of the reference, appoint, by writing under their hands, an impartial and qualified person to be their Umpire.

Appointment of
Umpire by
Governor in
Council.

56 If the Arbitrators do not appoint an Umpire within Twenty-one 5 days after the reference is made to the Arbitrators, then the Governor in Council may appoint an Umpire; and the Umpire so appointed shall, for the purposes of this Act, be deemed to be appointed by the Arbitrators.

Appointment of
Umpire by
Arbitrators to
supply vacancy.

57 Upon any reference being made to Arbitrators under this Act, if 10 before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for Seven consecutive days fails to act as Umpire, the Arbitrators shall, by writing under their hands, appoint an impartial and qualified person to be their Umpire in his place.

15

Appointment of
Umpire by
Governor in
Council to supply
vacancy.

58 If the Arbitrators fail to appoint an Umpire within Fourteen days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then the Governor in Council may appoint an Umpire; and the Umpire so appointed shall, for the purposes of this Act, be deemed to be appointed by the Arbitrators so failing.

20

Succeeding
Arbitrators and
Umpires to have
powers of
predecessors.

59 Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to
Umpire.

60 If the Arbitrators do not, within such a time as the Minister and 25 the Promoters agree on, or, failing such agreement, within Thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for
Arbitrators, &c.
to call for books,
&c., and adminis-
ter oath.

61 The Arbitrators and the Umpire respectively may call for the pro- 30 duction of any documents or evidence in the possession or power of the Minister or the Promoters, or which the Minister or the Promoters can produce, and which the Arbitrators or the Umpire thinks necessary for determining the matter referred, and may examine witnesses on oath, and may administer the requisite oath.

35

Procedure in the
arbitration.

62 If the Minister and the Promoters do not otherwise agree, the Arbitrators and the Umpire respectively may proceed in the business of the reference in such manner as they and he respectively think fit.

Award made in
due time to bind
all parties.

63 The award of the Arbitrators or of the Umpire, if made in writing under their or his respective hands or hand, and ready to be 40 delivered to the Minister and the Promoters within such time as may be agreed on, or, failing such agreement, within Thirty days next after the reference is made to the Arbitrator or to the Umpire, shall be binding and conclusive on the Minister and the Promoters.

Power for
Umpire to extend
period for making
his award.

64 Provided always that (except where and as the Minister and the 45 Promoters otherwise agree), the Arbitrators or the Umpire from time to time, by writing under their or his hand, may extend the period

[60 VICT.] *Queenstown and Gormanston Tramway.*

within which their or his award is to be made, and, if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period. A.D. 1896.

65 No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality. Awards not to be set aside for informality.


66 Except where and as the Minister and the Promoters otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrators and the Umpire respectively. Costs of arbitration and award.

PART IX.

POWER TO ASSIGN OR MORTGAGE.

67 It shall be lawful for the Promoters or their assigns at any time and from time to time, by deed or instrument in writing, to assign and transfer all the rights, powers, privileges, benefits, concessions, and advantages conferred upon them by this Act to any person or persons, or to any duly incorporated Company; and upon such transfer or assignment being signed or executed, the person or persons or duly incorporated Company in whose favour such transfer or assignment is made shall then stand in the place of the Promoters, and shall have all the liabilities, rights, powers, privileges, benefits, concessions, and advantages conferred upon the Promoters by this Act, including the power of assignment given by this Section, and shall be subject to all the obligations and conditions imposed upon the Promoters by this Act. Power to assign and transfer rights, &c.

68 Subject to the provisions of this Act, the Promoters may from time to time issue debentures or give and execute mortgages or other charges upon the Tramway or its equipment, or the tolls, rates, fares, and charges, on any Tramway for the purpose of securing the payment of any sum or sums of money borrowed or raised by the Promoters for the purposes of this Act or of the Tramway, or for securing the payment of any dividends or interest; and such debentures, mortgages, or charges may be in such form and contain such powers and provisions as the Promoters may deem expedient. Promoters may raise money by mortgage.

69 It shall be lawful for the Promoters (subject to the approval of the Governor in Council) from time to time to let the Tramway and the said tolls, rates, fares, and charges, together with all or any equipment or rolling stock of the Promoters; and during the continuance of any such letting the person to whom the same shall be let, or the persons or person by him appointed, are hereby empowered to demand, levy, and take the said tolls, rates, fares, and charges, and to use the said equipment and rolling stock, and to manage the Tramway and works of the Promoters, in like manner, and shall have the like remedies and rights, and be subject to the like liabilities in respect of the same, as the Promoters would have been empowered or would have had and would have been subject to but for such letting. Promoters may let tolls, &c. 

70 The Promoters may, from time to time, make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by any person of the Tramway, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such uses, and all incidental matters. Promoters may make arrangements for use by others of Tramway.

Queenstown and Gormanston Tramway. [60 VICT.]

A.D. 1896.

If transfer made
to foreign
Company such
Company to have
registered Office.

71—(1.) If any such assignment or transfer as aforesaid shall be made to any Company formed or incorporated in any country or place beyond this Colony, and which is not registered in *Tasmania* under *The Companies Act*, 1869, then such Company shall, before commencing to construct or work the Tramway, as the case may be, register with the Registrar of Companies under the said Act the name and place of abode or business of the person appointed by such Company to carry on the business of such Company in *Tasmania*, and also the situation of the Office of such Company in *Tasmania*; and the person so registered shall be deemed to be the Agent of such Company, and such Office shall for all purposes be the registered Office of such Company.

33 Vict. No. 22.

(2.) Upon such registration such Company may sue and be sued in its corporate name in *Tasmania*, and the liability of and proceedings against such Company shall be in the same manner as if such Company had been duly registered in *Tasmania* under the provisions of *The Companies Act*, 1869.

(3.) Sections Forty-three, Forty-four, Forty-five, and Forty-six of *The Companies Act*, 1869, shall be incorporated with this Act, and shall apply to any such Company aforesaid in the same manner and to the like effect as if such Company had been duly registered under the said Act.

PART X.**BY-LAWS.**

By-laws.

72 It shall be lawful for the Promoters from time to time to make such By-laws for regulating their affairs and the management of the Tramway, and the buildings and works connected therewith, and for fixing the tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, and other things thereon as they may think fit, and for all purposes which are usually comprised in the By-laws of any Railway or Tramway Company; and it shall be lawful for the Promoters to repeal, alter, or amend any such By-laws from time to time: Provided, that such By-laws shall not be repugnant to the provisions of this Act or any other Law in force in *Tasmania*; and such By-laws shall be in writing under the seal of the Promoters, and, if affecting other persons than their own officers and servants, shall be subject to the approval of the Governor in Council, and be published as hereinafter is provided. 35

By-laws may be
enforced by
penalties.

73 The Promoters, by the By-laws so to be made by them, may, subject to the approval of the Governor in Council, impose such reasonable penalties as they may think fit, not exceeding Twenty Pounds, for each breach of such By-laws or any of them.

By-laws to be
published.

74 All such By-laws relating to persons other than the officers and servants employed upon the Tramway shall be published in the *Gazette*; and all such By-laws shall be printed in legible letters and exhibited in some conspicuous place in the principal Office of the Promoters, and at every station on the Tramway, and be open to inspection without fee or reward; and in case any person wilfully obliterates any of the letters or figures thereon, or wilfully prevents the same being inspected at any

[60. VICT.] *Queenstown and Gormanston Tramway.*

reasonable time, he shall for every such offence be liable to a penalty A.D. 1896.
not exceeding Five Pounds.

75 All By-laws made according to the provisions of this Act when By-laws to be
so published and put up shall be binding upon and observed by all binding.
5 parties, and shall be sufficient warrant for all persons acting under the
same.

76 The production of the copy of the said By-laws purporting to Proof of By-law.
have been made as aforesaid shall, in all proceedings against the officers
and servants of the Promoters, be accepted as proof thereof in any
10 Court of Law or Equity. And *prima facie* evidence of any By-laws
may be given in all Courts of Justice and in all legal proceedings what-
soever by the production of a copy of the *Gazette* purporting to contain
any such By-laws.

PART XI.

MISCELLANEOUS.

77 If any person shall wilfully interfere with, move, injure, or Penalty for
15 damage any poles, stakes, marks, or instruments used by the Promoters damage to
or their agents, servants, or workmen, for the purpose of surveying or instruments,
marking out the line of the Tramway or otherwise in connection there- Tramway, &c.
with; or if any person shall wilfully do or commit any damage, injury,
or spoil, or any nuisance to or upon the Tramway or other roads or
20 ways, or to or upon any other works of or belonging to the Promoters,
such person shall for every such offence forfeit and pay to the Promoters
a sum not exceeding Twenty Pounds over and above the damages
occasioned thereto.

78 If any person omit to shut and fasten any gate set up at either Penalty on
25 side of the Tramway as soon as he and the carriage, cattle, or other persons omitting
animals under his care have passed through the same, he shall forfeit to fasten gates.
for every such offence any sum not exceeding Ten Pounds.

79 If the Promoters shall at any time purchase any line or any Promoters may
portion of any line of Tramway and convert the same into a portion of purchase other
30 the Tramway which the Promoters are by this Act authorised to con- Tramways to
struct as aforesaid, the line or portion of line of Tramway so purchased form part of
and converted by the Promoters as aforesaid shall be deemed to have their Tramway.
been constructed by the Promoters under the authority of this Act, and
to be a portion of the Tramway which the Promoters are by this Act
35 authorised to construct, and shall be subject to all the provisions of
this Act.

80 In the event of any dispute, question, or difference arising All disputes
between the Promoters and the Minister, or any official to whom any referred to
powers are given by this Act, the same shall be referred to and decided arbitration.
40 by arbitration in like manner as is mentioned in Part VIII. of this Act.

81 All offences against this Act or any By-law made in pursuance Offences to be
of this Act shall be heard and determined, and all orders shall be dealt with
made, and all penalties and sums of money imposed or made payable summarily.
[Private.]

Queenstown and Gormanston Tramway. [60 VICT.]

A.D. 1896.
19 Vict. No. 8.

by this Act or any such By-law shall be recovered in a summary way, in the mode prescribed by *The Magistrates Summary Procedure Act*, and all penalties received by virtue of any such By-law shall be paid to the Promoters.

Deposit.

82 The Promoters shall, within One month after the passing of this 5 Act, place at interest on fixed deposit the sum of Three hundred Pounds, in the name of the Treasurer of the Colony, in some Bank in *Hobart* to be approved of by the said Treasurer, and shall deliver to the Treasurer the deposit receipt for such sum.

The Promoters shall be entitled to the interest on such deposit of 10 Three hundred Pounds during the period it remains in the name of the Treasurer in such Bank as aforesaid.

The Treasurer shall transfer or deliver the said deposit receipt to the Promoters as soon as the Minister shall report to him that the said Tramway referred to in Section Four has been constructed in 15 accordance with the provisions of this Act, and shall do every act reasonably required to enable the Promoters to obtain payment of the said deposit.

If the Tramway referred to in Section Four shall not be so constructed within the time mentioned in this Act, the said sum of Three 20 hundred Pounds and all interest accrued thereon shall be absolutely forfeited to Her Majesty, and shall become part of the Consolidated Revenue Fund of the Colony.