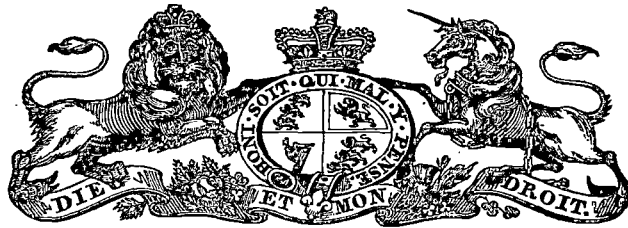


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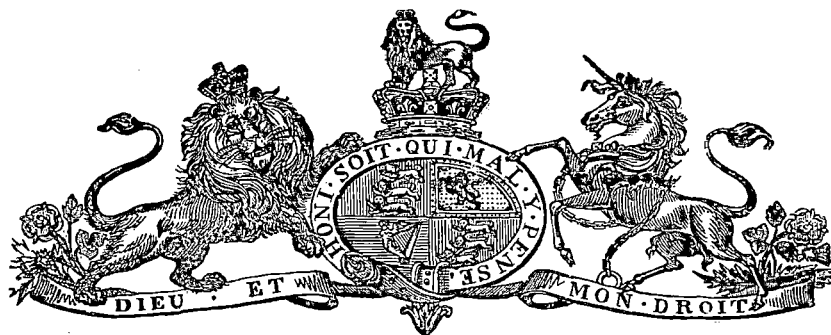
PARLIAMENT OF TASMANIA.

MOUNT ZEEHAN TRAMWAY:

CORRESPONDENCE AND OTHER PAPERS:

Return to an Order of the Council, dated July 10, 1888. (Mr. Crosby.)

Ordered by the Council to be printed, July 13, 1888.



Stone Buildings, Hobart, 27th April, 1888.

SIR,

I HAVE, on behalf of the Syndicate as represented by Colonel Smith, of Ballarat, Victoria, to apply for a lease of such land as may be required for the construction of a Tram or Railway from Macquarie Harbour to the vicinity of Mount Zeehan, upon the terms and conditions contained in the Memorandum handed to you by Colonel Smith when you received the Deputation *re* the West Coast Railway yesterday morning.

A copy of such Memorandum is set out below.

In preparing the Memorandum, a clause enabling the Company to take water from any land in the vicinity of the line to be constructed was omitted. I am instructed to ask that there be inserted in the lease a clause to that effect. To this I assume there can be no objection.

I have the honour to be,

Sir,

Yours obediently,

The Hon. the Minister of Lands.

H. B. MUGLISTON.

[Memorandum.]

"(1.) The right to construct a tramway from Macquarie Harbour to silver-lead mines in the vicinity of Mount Zeehan, about 24 miles. (2.) Land necessary for the said tramway, stations, sidings, &c., be granted free of cost. (3.) That the lease of the said land be granted to the company for a term of 21 years, renewable at the expiry thereof for a similar term should the Government not desire to purchase tramway, and similarly for succeeding terms of 21 years. (4.) That the Government have right to purchase the tramway at or after the expiry of the first term of 21 years upon giving reasonable notice at a valuation thereof, to be fixed by arbitration in the usual manner. (5.) That the maximum rates and fares not to exceed ———. (6.) That the Government do not alienate any land other than for mining purposes until the land required for tramway is defined by the survey therefor. (7.) That the Government will assist in the passing of a Tramway Bill through Parliament, in the event of lease not being considered sufficient. (8.) That power be granted to lay the tramway upon any existing road." (9.) Right to take water."

Crown Lands Office, 28th April, 1888.

SIR,

In reply to your letter of the 27th inst., I have the honour to enquire whether the right to take water therein referred to is, as I suppose, for watering engines?

Upon receiving explanation upon this point I will refer the whole question of the lease to Cabinet, and, with the approval of my colleagues, send you a memo. detailing the terms upon which the lease you ask for will be granted.

The lease, when granted, will contain the usual conditions as to (1) forfeiture in the event of the lessees not proceeding to construct the line, (2) the necessity for the assignment or transfer of the lease being approved by the Commissioner of Crown Lands, and such others as are customary. To this you will, I am sure, take no exception.

I have, &c.

H. B. MUGLISTON, *Esq.*, *M.H.A.*

E. N. C. BRADDON.

Stone Buildings, Hobart, 30th April, 1888.

SIR,

IN reply to your letter of the 28th inst., I have the honour to say that, as you surmise, the right to take water is required for watering engines, also for such other purposes as may be necessary for the construction and working of the line.

Subject to approval by Colonel Smith (of which I think there can be no doubt), there is not the least objection to the lease containing clauses as to forfeiture and assignment, or any other clauses that are customary in leases granted by the Government similar to such a lease as is now being applied for.

I have been informed that the jetty at Strahan is not sufficiently strong to carry trucks of ore with safety. I suppose the Government will sanction a private jetty being constructed, so that the object of the Company can be carried out. Of course the jetty would be considered as part of the line, and one of its termini.

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

Crown Lands Office, 2nd May, 1888.

SIR,

REFERRING to your letter of the 30th ult., and in continuation of mine of the 28th *idem*, I have the honour to state that I cannot apprehend any difficulty being presented by the Government in respect of the rights to water or the jetty facilities you ask for.

I will take this opportunity of remarking that it will be necessary to provide in the lease for something more than the right of the Government to regulate rates of fares or freight. It will be necessary, beyond this, that provision should be made to secure for the whole community interested in the Mount Zeehan mining district, reasonable accommodation, on equitable terms, by the tramway—or, in other words, that a monopoly of the line for any one or more particular interests should be prevented.

I have, &c.

H. B. MUGLISTON, *Esq.*

E. N. C. BRADDON.

Stone Buildings, Hobart, 5th May, 1888.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of 2nd instant. I do not see any objection to the lease containing a clause enabling all the mining community in the vicinity of Mt. Zeehan to benefit by the proposed railway.

* * * * *

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

Stone Buildings, Hobart, 8th May, 1888.

SIR,

I HAVE the honor to request that you will be pleased to give directions to have the draft lease prepared on the basis of the terms agreed upon. I have also to ask you to be good enough to urge expedition in the preparing the draft, as Col. Smith is anxious to have the flying survey made as speedily as possible.

A letter, stating that the draft is now being prepared, and that Col. Smith, by himself, agents, or servants, is authorised to go on any of the Crown lands for the purpose of making a survey, might enable a Surveyor being sent at once to map the course the line would probably take.

Trusting for an early reply, so that I may write Col. Smith by to-morrow's mail,

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

TERMINALS, Macquarie and Zeehan, must be left very much to tramway constructor, subject to conditions protecting public interests. Maximum rate, say One Shilling Threepence per mile. Mugliston writing in full.

Colonel SMITH, *M.L.A., Parliament House, Melbourne.*

E. N. C. BRADDON.
9. 5. 88.

Crown Lands Office, 11th May, 1888.

SIR,

IN reply to your letter of yesterday's date *re* Mt. Zeehan Tramway, I have the honor to send herewith amended rough draft of conditions upon such. I am prepared to advise granting of lease for the construction of the Mt. Zeehan line.

I have, &c.

H. B. MUGLISTON, *Esq., M.H.A.*

E. N. C. BRADDON.

Stone Buildings, Hobart, 10th May, 1888.

SIR,

I REGRET that in the hurry of writing my comments on the proposed conditions, I forgot to ask that a condition be added empowering the Company to lay the line, if necessary, along existing roads. May I ask you to rectify this omission?

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

Stone Buildings, Hobart, 10th May, 1888.

SIR,

HEREWITH I have the honor to return papers *re* Mt. Zeehan Railway.

I would ask that the following words be added:—(1.) To Condition 1.—If Government does not exercise right of purchase, lease to be renewed for further periods of 21 years, on similar terms, until Government exercises such right; also, that a six months' notice of intention to purchase be given. (2.) Condition 5.—That before any loop-line be connected with the main line by any mining company, that option be given to Tramway Company to make such connecting line.

A condition should be added that the Tramway Company shall have the right to build a private jetty, and Government to lease such land as may be necessary for such purpose, such jetty to be considered as one of the termini.

Also that a lease embodying the above conditions, and those contained in the Memo. of the Hon. the Minister, be executed by the Government when called upon to do so.

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

MT. ZEEHAN TRAMWAY.

TRAMWAY Company to have lease for 21 years, renewable, of such land as they require for actual construction of line, sidings, and stations, at peppercorn rent, and also the use of such water along the line as may be required for watering engines and stations, subject to conditions.

1. That Government will have right of purchase after 21 years, price to be fixed by arbitration. But failing the exercise of such right on part of the Government, the lease to be renewed for further terms of 21 years on similar conditions, from period to period. Should Government claim to purchase, six months' notice of such intention to be given.

2. That in event of Tramway Company not using ordinary diligence in construction of line, the lease shall be forfeited.

3. That no transfer or assignment of the lease will be permitted without approval of the Commissioner of Crown Lands.

4. That the line of tramway or railway be open to public traffic, on such conditions as to trains to be run, and rates of fares and freight, as may be agreed upon between the Government and the Company; maximum freight not to exceed 1s. 3d. per ton per mile.

5. That other Companies or persons desiring to connect branch lines with the line of this Company shall be empowered to do so, and that the Mt. Zeehan Company (the lessees) will take the trucks, passengers, and goods brought to their lines by such Companies upon such terms as may be agreed to as aforesaid. Provided, that before any such Company or person exercise such right, the Mt. Zeehan Tramway Company shall have the option to make such branch or connecting lines.

6. That the lease shall include such sea frontage at Strahan as may be required for a jetty and terminal station at that point.

7. That the Tramway Company have power to lay their line, if necessary, upon existing roads.

Stone Buildings, Hobart, 11th May, 1888.

SIR,

I HAVE the honor to return you rough draft of conditions as amended, merely observing that they seem to embrace everything that has been agreed to between us.

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

12th May, 1888.

SIR,

I HAVE the honor to send herewith copy of rough draft conditions upon which the Government are ready to grant lease to your Company for construction of a tramway or railway from Strahan to Mount Zeehan.

As you and Mr. Mugliston have fully approved of these conditions, I trust that the matter will now be considered as satisfactorily concluded, and that your Company will, without loss of time, make survey of the line, and so enable me to issue the lease you require.

I have, &c.

E. N. C. BRADDON.

J. W. TOPLIS, Esq., Agent Mount Zeehan Tramway Co.

TELEGRAM.

Bourke-street, East, 14th May, 1888.

PLEASE issue lease in Toplis's name, as agent for Syndicate, so that he can sign all necessary documents; also order he get lease.

W. COLLARD SMITH, *Lieut.-Col.*

Hon. Minister of Lands.

TELEGRAM.

LEASE cannot issue until line surveyed; but I have written full conditions upon which the Government agree lease should be issued.

E. N. C. BRADDON.

Col. W. COLLARD SMITH, Melbourne.

IT IS HEREBY AGREED between HENRY BOYES MUGLISTON, of Hobart, in Tasmania, (acting for and on behalf of SMITH, M.L.A., of Victoria, as representing the Tramway Syndicate), and the Honorable EDWARD NICHOLAS COVENTRY BRADDON, that conditions β , δ , and ϵ contained in the Agreement entered into between the said parties on the nineteenth day of May, 1888, be cancelled, and the following conditions substituted in lieu thereof:—

1. Lease to be for 21 years certain, at the expiration of which period the Commissioner for the time being for the Colony of Tasmania to have the right to purchase the tramway or railway at a price to be fixed by arbitration. One Arbitrator to be appointed by each of the parties hereto, and, in case they shall not agree, to the award of such person as the said Arbitrators shall appoint as Umpire. Twelve months' notice in writing to be given by the Commissioner before such right of purchase can be exercised. In the event of the Commissioner failing to exercise such right of purchase, the lease to be renewed for farther periods (of 21 years each period) until the Commissioner avails himself of such right of purchase.
2. A period of eighteen months to be allowed the Company to construct the line, subject to the proviso that should the Company be delayed or prevented by causes beyond its control the Company to be allowed a further period not exceeding six months. Should any difference arise under this clause the same to be determined by arbitration in the manner hereinbefore specified.
3. The line to be open to public traffic on such conditions as to terms, and trains to be run at such times and at such rates of fares and freights, as may be agreed upon between the parties hereto. The maximum rate of freight not to exceed one shilling and three-pence per ton per mile; the maximum rate for passengers not to exceed sixpence per mile for first-class, and fourpence per mile for second-class passengers.

Dated this 6th day of June, 1888.

H. BOYES MUGLISTON.
E. N. C. BRADDON.

Witness—ALBERT REID.

COUNTERPART.

AGREEMENT made this nineteenth day of May, 1888, between HENRY BOYES MUGLISTON, of Stone Buildings, Hobart, in Tasmania (acting for and on behalf of — SMITH, M.L.A., of Ballarat, in Victoria, the promoter of an undertaking to construct a Tramway or Railway from the Township of Strahan to the Mount Zeehan Silver Mines, both in the Colony of Tasmania), of the one part, and the Honorable EDWARD NICHOLAS COVENTRY BRADDON, Commissioner of Crown Lands for the said Colony of Tasmania, of the other part. The said EDWARD NICHOLAS COVENTRY BRADDON agrees to grant, and the said — SMITH, through the said HENRY BOYES MUGLISTON, agrees to take a Lease of the surface of certain Crown lands leading from the Township of Strahan to some part of the silver fields at Mount Zeehan, at a rental of Four Shillings, payable quarterly (such land to be more particularly defined after the survey which is now proposed to be made has been effected and approved of by the Commissioner, and to consist of so much land as is required for the purposes of laying lines, constructing sidings, stations, &c.)

The said EDWARD NICHOLAS COVENTRY BRADDON agrees to execute a Lease, whenever called upon by the said — SMITH, or HENRY BOYES MUGLISTON acting on his behalf.

The Lease shall contain the following conditions:—

- a To pay the rent.
- γ The Lease not to be assigned or transferred without the consent of the Commissioner first having been obtained.
- ζ That all Mining Companies and persons desiring to connect branch lines with the line about to be constructed shall be entitled so to do; and that the Lessees will carry all such trucks, passengers, and goods as may be brought to their line for carriage on such terms as may be agreed upon; such terms to be similar to those referred to in the preceding clause: Provided, that before any such company or persons exercise such rights the Lessees shall have the option to make such branch or connecting lines.
- η The Lease shall include such frontage, and the right to construct a jetty at Strahan, and to take such other land, not exceeding one acre, as may be required for the erection of terminal stations.
- θ The Lease shall contain a clause conferring powers to lay lines, if necessary, on existing roads.
- ι The right to take water for watering engines and for such other purposes as may be necessary for the construction and working of the line; such water to be taken from any source over which the Commissioner has control.
- κ Such other clauses, provisoes, and conditions as may be contained in the correspondence between the parties hereto relating to the construction of such line, provided such clauses, provisoes, and conditions have not been herein above set forth.

Witness—ALBERT REID.

H. B. MUGLISTON.
E. N. C. BRADDON.

6th June, 1888.

SIR,

I HAVE the honor to forward herewith counterpart of amended conditions in regard to the Mount Zeehan syndicate's application for a Lease for a tramway or railway.

I would point out to you at the same time that I have conceded as much as could be fairly asked for, and that, as I shall table the terms of agreement between us in the House this afternoon, I must consider the matter finally disposed of.

I have, &c.

H. B. MUGLISTON, Esq., M.H.A.

E. N. C. BRADDON.

Stone Buildings, Hobart, 2nd June, 1888.

SIR,

I HAVE the honor to submit for your approval the following agreement amending the agreement entered into on the 19th May last, and I trust you will see your way clear to approve of the conditions contained therein.

I may observe that Conditions 1, 2, and 3, Mr. Toplis informs me, were agreed to by you, whilst Condition 4 is one that the Syndicate is most anxious to have agreed to. I would mention that Mr. Climie, who some time ago made a survey on the West Coast, estimates that 15 months at least will be required for the completion of the line.

I enclose for your perusal a list of the Provisional Directors, which, I think, will convince you that the Syndicate is certain to be a success, and that Condition 4 is only asked for as a protection, and not for any ulterior purpose, and will be in substitution of the clause referring to due diligence being used.

I have, &c.

The Hon. the Minister of Lands.

H. B. MUGLISTON.

76, Murray-street, Hobart, 3rd June, 1888.

DEAR SIR,

I AM pleased to be able to put before you the names of the Provisional Directors of the Mount Zeehan Railway Company:—R. Murray Smith, Esq., C.M.G.; Joseph Clark, Esq., J.P.; Byron Moore, Esq. (Director Silverton Tramway); Hon. Lt.-Col. W. Collard-Smith, M.L.A.; Hon. Henry Gore, M.L.C.; J. Robb, Esq. (Contractor, Adelaide and Melbourne); H. B. Mugliston, Esq., M.H.A.; — Malleson, Esq. (Malleson, England, and Stewart); A. W. Lawder, Esq., M.I.C.E.; J. W. Toplis, Esq.; H. B. Harrison, Esq., (Manager Midas Company); Agar Wynne, Esq. (Cuthbert, Hamilton, and Wynne); J. Smith Reid (Director Broken Hill Proprietary, Chairman Silverton Tramway Company); H. Karlbaum, Esq., Adelaide; Wm. Longbottom, Esq., Adelaide; F. Bais Vou, Esq., Adelaide; E. C. Firebrace, Esq., Melbourne.

I happened to show these names to a merchant in Melbourne. He wished to know whether I was going to float a new bank with a capital of £5,000,000, as he considered the above names equal to that amount.

For my part I have no doubt it will be a huge success.

Yours faithfully,

H. B. MUGLISTON, Esq., M.H.A.

J. W. TOPLIS.

Hobart, 7th June, 1888.

DEAR SIR,

Re Col. St. Hill's Notice of Motion, the gauge of tramway to West Coast, I beg to inform you that my instruction (on behalf of Col. Smith) to Mr. Climie was to get a 3ft. 6in. gauge, with easy grades, if he made the line a little longer. The estimate for rolling stock was prepared by me for Mr. Smith upon a 3ft. 6in. gauge.

Yours faithfully,

WM. CUNDY.

Hon. Mr. BRADDON, Minister of Works.

Crown Lands Office, 2nd June, 1888.

SIR,

I HAVE the honor to acknowledge receipt of your note of this day, with enclosures, re Mt. Zeehan Tramway, which shall be laid before my colleagues, and I hope to send reply this afternoon.

I have, &c.

E. N. C. BRADDON.

H. B. MUGLISTON, Esq., M.H.A.

TELEGRAM.

Melbourne, 13th June, 1888.

MEETING called for this day week to settle question of gauge.

BURNETT, 4, Queen-street.

Hon. E. N. C. BRADDON, Minister of Lands.

TELEGRAM.

WHAT is proposed gauge Mt. Zeehan Railway? Hope 3ft. 6in.

E. N. C. BRADDON
13. 6. 88.

J. BURNETT, Esq., Secretary Mt. Zeehan Syndicate,
4, Queen-street, Melbourne.