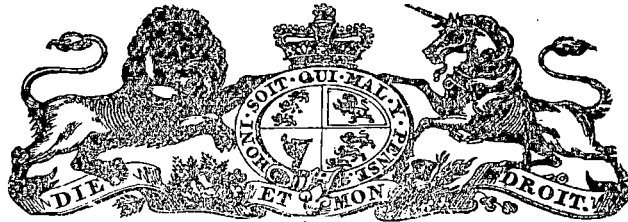


(No. 55.)



1897.

SESSION II.

PARLIAMENT OF TASMANIA.

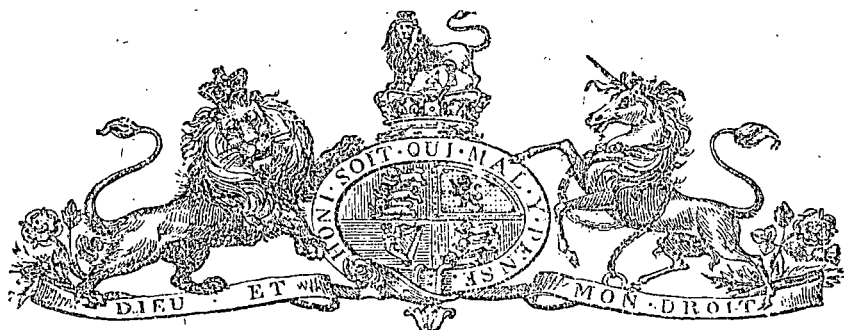
V.D.L. COMPANY'S WARATAH AND ZEEHAN
RAILWAY ACT:

PAPERS RELATING TO APPLICATION FOR LEASE OF CROWN
LAND FOR BRANCH LINES.

*Return to an Order of the Legislative Council dated August 3, 1897.
(Mr. Piesse.)*

Ordered by the Legislative Council to be printed, October 12, 1897.

Cost of printing—£1 15s.



THE WARATAH AND ZEEHAN RAILWAY.

CORRESPONDENCE IN REFERENCE TO BRANCH LINES.

Van Diemen's Land Company, Burnie, 14th September, 1896.

SIR,

Van Diemen's Land Company's Waratah-Zeehan Railway Act.

ON behalf of the Company I have the honour to apply for a lease of a piece of Crown land, one chain in width, for the construction of a branch line from a point on the Waratah-Zeehan Railway, in the vicinity of Mount Black or Mount Read, to Mount Lyell, together with such further area as may be necessary for stations, works, and conveniences in connection with the said branch, under the terms of the 8th Section of the Act; such lease to be concurrent with the lease under the 4th Section of the same Act.

The intervening country to be served by this branch includes Mount Tyndall, Mount Sedgwick, and Lake Dora, and is believed to contain valuable minerals which at present are useless to the State in consequence of their inaccessibility. A railway such as is contemplated would, however, immediately open up this very considerable district, and afford the best possible means for developing its mineral resources; it would further provide facilities for passengers to reach Mount Lyell.

I make this application now instead of later on, in order that, in the event of my receiving a favourable reply, sufficient capital may at once be provided for the construction of this branch, as well as for the Waratah-Zeehan Line. I trust you will agree with me that such course is altogether preferable to one which would necessitate the construction of the line to Zeehan first, and a subsequent increase of share capital or debenture stock to provide the means for the proposed Lyell branch, as not only difficulty with regard to an increase of capital is avoided, but the work can be carried on simultaneously with the Zeehan Line, and earlier communication afforded to the districts to be served.

You will be pleased to learn that I am informed that matters are well advanced for an early commencement of construction.

I have, &c.

J. W. NORTON-SMITH, *Agent.*

The Hon. the Minister of Lands and Works, &c., Hobart.

RECOMMENDED, and submitted to Cabinet.

ALFRED T. PILLINGER.
18. 9. 96.

APPROVED.

E. N. C. BRADDON.
18. 9. 96.

WM. MOORE.
18. 9. 96.

P. O. FYSH.
18. 9. 96.

Department of Lands and Surveys, Hobart, 18th September, 1896.

SIR,

Re Waratah-Zeehan Railway Act, 1895.

IN reply to your letter of 14th instant, making application to the Government on behalf of "The Van Diemen's Land Company" for a lease of a piece of land one chain in width for the construction of a branch line from a point on the Waratah-Zeehan Railway as proposed, in the vicinity of Mount Black or Mount Read to Mount Lyell, on the West Coast, under Section 8 of the V.D.L. Company's Waratah-Zeehan Railway Act, I have the honour to inform you that the Cabinet has, after due consideration, approved of your proposal, which will be submitted to the Executive Council for its concurrence in due course, and that you will be advised of the result by the earliest possible opportunity.

I have, &c.

ALFRED T. PILLINGER, *Minister of Lands and Works.*

J. W. NORTON-SMITH, *Esq.*

Van Diemen's Land Company, Burnie, 21st September, 1896.

SIR,

Waratah-Zeehan Railway Act, 1895.

I HAVE the honour to acknowledge your favour of 18th instant, and on behalf of the V. D. Land Company beg to thank you for the favourable consideration given to my application for lease of 14th instant. The construction of this branch will, I feel assured, be of very great benefit to the Colony, and, I hope, remunerative to the Company.

I have, &c.

J. W. NORTON-SMITH, *Agent.*

*The Hon. ALFRED T. PILLINGER,
Minister of Lands and Works, &c., Hobart.*

Department of Lands and Surveys, Hobart, 29th September, 1896.

SIR,

IN further reply to your letter of the 14th instant to the Hon. the Minister of Lands and Works, having reference to the construction of a branch line from a point on the Waratah-Zeehan Railway line as proposed, I have the honour, by direction of the Hon. Minister, to inform you that the Law Officers of the Crown have advised that it would not be competent for the Executive Council to pass an Executive Minute authorising the Minister of Lands and Works to grant a lease of any piece of Crown Land to the Company for the construction of a branch line of railway until the primary lease, authorised under Section 4 of the V. D. L. Company's Waratah-Zeehan Railway Act, has been granted and duly brought into operation. In the circumstances stated it is essential that the question of obtaining legal sanction to enter upon the construction of any "branch line," as provided for under Section 8 of the said Act, shall remain in abeyance for the present.

I have, &c.

E. A. COUNSEL, *Surveyor-General.*

J. W. NORTON-SMITH, *Esq., Agent for the
V.D.L. Company, Burnie.*

Van Diemen's Land Company, Burnie, 6th October, 1896.

SIR,

APPLICATION for lease of land for construction of a branch line of railway from the vicinity of Mount Black to Mount Lyell, under "The Van Diemen's Land Company's Waratah-Zeehan Railway Act, 1895."

I have the honour to request your perusal of copy of a letter from the Surveyor-General to myself on this matter, dated the 29th ultimo, in which he writes, "In the circumstances stated, it is essential that the question of obtaining legal sanction to enter upon the construction of any branch line, as provided under Section 8 of the said Act, shall remain in abeyance for the present."

I have sent home a letter from the Honourable the Minister of Lands and Works, dated 18th ultimo, in which he was good enough to inform me that the Cabinet had approved my proposal for

the construction of the Lyell branch, and I feel that any further correspondence hereon should also be sent home, but that, should I post the letter of the Surveyor-General hereon dated the 29th ultimo, it would create an erroneous impression. To myself, or to anybody else acquainted with your Honourable Cabinet, the promise contained in the letter of the Honourable the Minister of Lands and Works dated the 18th ultimo is quite sufficient, but, to strangers, the words "shall remain in abeyance for the present," might be taken to imply that it is intended to reconsider the question.

I therefore have the honour to request that, in order to overcome the legal difficulty indicated by the Surveyor-General, the primary lease under Section 4 of the Act may be at once granted; and I would submit that, although the survey has not yet been completed, the difficulty may be overcome by describing the land leased "as more particularly described and delineated in the plans hereunto attached," leaving the attachment of the plans until such time as the survey may be completed. Trusting that you will authorise me to instruct the Company's solicitors to draft a lease for your approval,

I have, &c.

J. W. NORTON-SMITH, *Agent.*

The Hon. Sir EDWARD BRADDON, K.C.M.G., Premier, &c., Hobart.

The Hon. Minister of Lands and Works.

THE term "abeyance" was an unfortunate one to use, inasmuch as it gave colour to the idea that the Government might reconsider their promise to give a lease. It would be well if the matter were disposed of, so that English capitalists might be assured on this point.

E. N. C. BRADDON.
8. 10. 96.

Hon. Attorney-General.

I FORWARD to you, attached to this letter, all Correspondence with Mr. Norton-Smith on this subject. Will you kindly advise me how the difficulty raised by Mr. Smith can be overcome.

ALFRED T. PILLINGER.
8. 10. 96.

I CANNOT see how a lease can be granted of land described as being shown on a plan which does not exist. But a provisional plan showing the general course of the railway might be prepared to enable the lease to be issued.

A. INGLIS-CLARK.
10 October, 1896.

P.S.—The lease must be prepared by the Crown Solicitor.—A. INGLIS CLARK.

PLEASE return Correspondence to this Office.

E. A. COUNSEL.
9. 10. 96.

Van Diemen's Land Company, Burnie, 30th October, 1896.

SIR,

Waratah-Zeehan Railway Act.—Branch to Lyell.

AGREEABLY to our verbal arrangement of 23rd and 24th instant, I now have the honour to return to you letter from the Surveyor-General hereon. I trust that some means have been found to overcome the difficulty indicated therein, and that to-morrow morning's mail will bring me a notification thereof, as I am most anxious to have the matter definitely settled. You are aware that on the understanding that this matter was to be favourably settled, I requested the Honourable the Treasurer to fix the deposit of £5000 on the 23rd instant.

I have, &c.

J. W. NORTON-SMITH, *Agent.*

The Hon. A. T. PILLINGER, Minister of Lands and Works.

Hon. Attorney-General.

THIS matter has been under your consideration: kindly advise me if you see any way of placing Mr. Norton-Smith's position beyond any question, as it is of great importance in securing the construction of the railway that the extension asked for and approved by the Government is safely secured to the Company.

A. T. PILLINGER.
5. 11. 96.

THERE cannot be a lease issued of any strip of land for the construction of a branch line until the Primary Lease is issued.

A. INGLIS CLARK.
6th November, 1896.

[Journals H.A., July 28, 1897.]

Rosebery-
Mount Lyell
Railway.

11. Mr. *Bird* asked the Honourable the Minister of Lands and Works, what alteration of railway route he has sanctioned under "The Waratah-Zeehan Railway Act," and under what Clause of that Act such alteration of route has been authorised?

Mr. *Pillinger* replied:—"No alteration of railway route has been sanctioned; but probably the Honourable Member refers to an application made by the Van Diemen's Land Company, under the 8th Section of the Van Diemen's Land Company's Waratah and Zeehan Railway Act, to construct a branch line from Rosebery to Mt. Lyell. This application has been favourably entertained by the Government, but no legal effect can be given to the proposal until the Primary Lease has been executed."