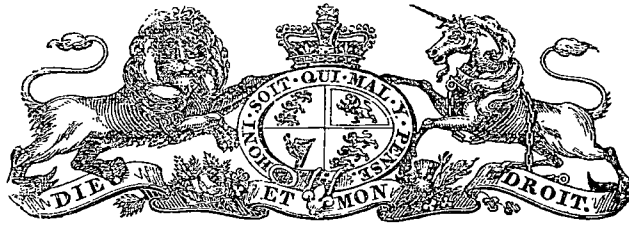


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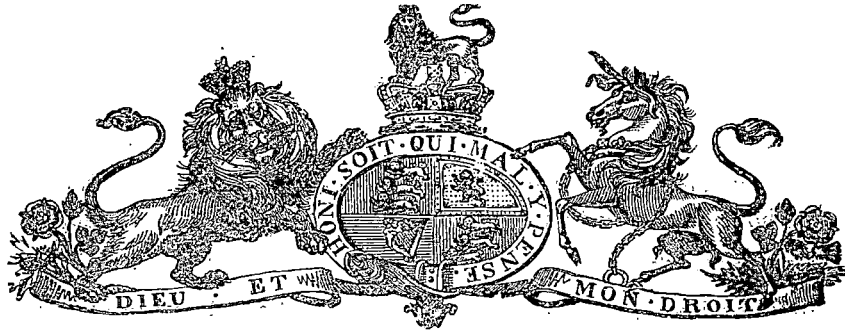
1891.

PARLIAMENT OF TASMANIA

“THE GRUBB’S TRAMWAY BILL:”

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

Brought up by Mr. Lewis, and ordered by the House of Assembly to be printed,
October 30, 1891.



*REPORT from the Select Committee on the GRUBB'S SILVER MINING COMPANY'S
TRAMWAY BILL, with Minutes of the Proceedings of the Committee, and Evidence.*

MEMBERS OF THE COMMITTEE.

MR. CONWAY.
MR. CRISP.
MR. FENTON.
MR. MULCAHY.

MR. LEATHAM.
MR. MACKENZIE.
MR. LEWIS.

MINUTES OF PROCEEDINGS.

FRIDAY, OCTOBER 28, 1891.

The Committee met at 10·30 A.M.

Present.—Mr. Conway, Mr. N. E. Lewis, Mr. Mulcahy, Mr. Mackenzie.

Mr. Lewis was unanimously voted to the Chair.

The Chairman laid the following documents upon the Table:—

1. Petition for leave to introduce the Bill.
2. Sketch of the Grubb's Silver Mining Company's Tramway Line.—Appendix A.
3. Sketch Plan of Balstrup's Central Silver Mining Company.
4. Draft Bill referred to Committee.

Resolved, That the Petitioner be heard by Counsel.

Counsel, Mr. Lucas, was admitted.

Mr. W. C. Grubb was admitted, and examined by Counsel.

Mr. Grubb withdrew.

Mr. John Bradley was called in and examined.

Mr. John Bradley withdrew.

Mr. J. Peet was called in and examined.

Mr. Peet withdrew.

The Committee then entered upon the consideration of the Bill.

Resolved, That the Preamble be accepted as printed.

The Counsel tabled a document showing the cost of the Tramway's construction to the 18th August, 1891.
(Appendix B).

Telegram from A. G. Lear to A. P. Miller.—(Appendix C).

The Committee adjourned at 12·40 P.M. until 3·45 P.M.

The Committee re-assembled at 3·45 P.M.

Draft Bill tabled, read, and considered clause by clause (*vide* Bill appended), and agreed to.

Ordered, That the Chairman be directed to present the Report to the House at its next sitting.

The Committee adjourned *sine die*.

REPORT.

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, with an unimportant amendment, 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 made certain alterations, additions, and amendments, which are embodied in an amended Bill attached to this Report.

Your Committee have the honor to present the Bill as amended for the favourable consideration of your Honorable House.

N. E. LEWIS, *Chairman.*

*Committee Room, House of Assembly,
30th October, 1891.*

EVIDENCE.

FRIDAY, 30TH OCTOBER, 1891.

WILLIAM COLEMAN GRUBB, *called and examined.*

1. *By Mr. Lucas.*—What is your name? William Coleman Grubb.
2. You are manager of the Grubb's Silver Mining Company? Yes.
3. This easement which I have laid on the table is the mining easement under which your company have constructed a tramway? Yes.
4. Can you inform the Committee what has been the cost of construction? £11,754 19s. up to date, but rolling stock suitable for the requirements of the district is now being constructed, which will cost £500, and when that is done the total cost will be just on £12,000. We have a passenger car there to carry thirty people, which works splendidly.
5. Will the tramway serve a large number of companies besides Grubb's? Yes, it will serve a large number of others.
6. Can you state how many? I should think that it would serve about 20 different companies, and more than that when McLean's line is looped on to it.
7. In consequence of that you anticipate a large amount of traffic? Yes, in passengers, goods, and machinery to the mines.
8. Is there any means by which machinery can be got to the various mines which are mentioned here, and those lying beyond the terminus? I feel confident that there are no other means than our tramway. A large number of lines have been marked out in that District, but I am confident that we have the best line that can be procured.
9. Owing to the mountainous nature of the country, that line of yours is the only one by which the various companies can get in their machinery or get their ore out? Yes, it is the only means they have.
10. Will that tramway be a great boon to the mine-owners in that locality? I am confident that that line must be worth at least £1000 to any company whose land it passes through. Our company would have been only too glad to have had the tramway built by some other company, and pay for the use of it. It would have saved them spending £12,000 of their capital upon it.
11. Finding the funds was a great drain upon the Company? Yes, it was, as it necessitated heavy calls.
12. Have you had any traffic on the line during its construction? The traffic only consists of small items at present, with the exception of the work that we did for the Government in bringing metal for the main streets in Zeehan. That work proved of the greatest advantage to the district, as there was no other way of getting metal there. When I was there 4 or 5 months ago it was a terribly muddy place, but now, I am pleased to say, you can walk along clean and comfortable.

13. Have not the Company felt the want of a scale of fares? We have not charged passengers yet on the line, and we are not going to open it for passenger traffic yet for a week or two, or until we have finished the station yard, for which we require ballast. We started it the other day and passengers went over it, but of course we did not charge them. When it is finished, I think that people will be only too glad to travel on our line rather than walk.

14. Have the Company felt the want of by-laws? Yes.

15. And the object of the Company in applying for this Bill, is to get power to pass by-laws and regulations? Yes, that is the sole object.

16. *By the Chairman.*—What motive power are you using? At present we intend using horse-power, but the line is so well constructed, and the curves and grades of such a character, that when the permanency of the field is proved, the directors intend to have a small locomotive.

17. Is the line laid for that? Yes. The gauge is 3 feet 6 inches, and the rails are 18 lb. steel ones. The sleepers are only 2 feet from centre to centre, so that it makes a very substantial road.

18. *By Mr. Mackenzie.*—What is the steepest grade? There is a grade of 1 in 25½ for a short distance near the summit. Most of the other grades consist of 1 in 35, 1 in 40, and 1 in 80.

19. *By Mr. Conway.*—What are the curves? The smallest curve has a radius of about 4½ chains. Most of the other curves are 5 chains or 10 chains.

20. Have you the opinion of any competent engineer as to the safety of the line? We have not had any competent engineer's report upon it.

21. Was it laid out by an engineer? Yes, by Mr. Gardiner.

22. *By Mr. Mulcahy.*—Do you think that the Company will be prepared to take the responsibility of negligence in carrying passengers? I would prefer that the Bill made us responsible. There is one thing I might mention. On the day of the opening, only last week, one company sent men to fell trees right across our road, and we had to get them cleared away before the traffic could commence; so you will see that while the public are protected, we require some protection ourselves.

23. Is the line in every way suitable for the purposes of a railway? Yes.

24. What rate of speed is it equal to? I think it would run up to 25 miles an hour.

25. Supposing that part of the country develops as we all expect it will, would that railway be sufficient for the carriage of passenger traffic and ore? Oh yes. I may say that on the opening day we came 2 miles and 12 chains in 6½ minutes with perfect ease. We had two powerful brakes on the carriage, and we only used one of them, so that if anything happened to one of them we could substitute the other immediately.

JOHN BRADLEY, *called and examined.*

26. *By Mr. Lucas.*—What is your name? John Bradley.

27. You are a director in Grubb's Silver Mining Company? Yes.

28. Have you been recently to the West Coast? I was there a couple of years ago.

29. Are you aware of the route of the tramway that has been laid down by the company? Yes.

30. Will that route serve a large number of companies? Yes.

31. Have you any idea of the number? It will serve some dozens of Companies, taking from one main road to the other, that is, the junction of the Comstock.

32. Is there any other means by which these companies can be served? Any other means would prove impossible.

33. Do you anticipate a large amount of traffic on that line in passengers and goods? Yes, we do. I may say that I and a number of others took up shares in various companies along the line simply because the tram went through those properties.

34. The effect has been to develop the mining industry? Yes; and to cause work to be started.

35. Are you aware whether there is a necessity for by-laws for the management of the Company's affairs? It is just as well to have laws to work by, so that everyone will be satisfied.

36. I mean for the protection of the Company's interests as well as for the protection of the public? Yes.

37. *By Mr. Conway.*—Do you consider that the construction of this is a great benefit to the mining interests in Zeehan? Yes, there is no doubt about that in my mind.

38. Do you consider that by the construction of this line the Government will be saved a large amount of money in the construction of roads? Yes, it will certainly save the Government a large amount of money in the construction of roads.

39. Have you heard any objections raised to this Company? No, just the reverse. It was a main point in the prospectus of Balstrup's Central Company that it was in the line of Grubb's Tramway. That was put forward as an incentive to shareholders, and it was one of the main reasons for my taking an interest in the Company. I know others who did so on the same grounds. It was also one of the reasons why I bought into the North Grubb's and other Companies.

40. *By Mr. Mulcahy.*—You know something about railway construction? A little.

41. And as a director, you had a good deal to do with the plans of this line? Yes.

42. And you know it is a good substantial line? Yes. The rails are 18 lb., but the sleepers are laid so close together that it makes the rails really heavier than they are.

43. *By Mr. Machenzie.*—Have you seen the tramway? Not since it has been finished. Practical friends of mine who have seen it declare it to be a first-class line.

44. *By Mr. Conway.*—When the scheme was first under consideration, was it not intended to make a more simple line? Yes.

45. And the amount of work likely to be on it induced the directors to make a more substantial line. Yes, that is the case.

JAMES PEET, *called and examined.*

46. *By Mr. Lucas.*—What is your name? James Peet.

47. Do you know the Grubb's Silver Mining Company's Tramway? I do.

48. Have you been to the West Coast recently? Yes, I only came up last Wednesday.

49. Can you tell the Committee whether that line of tramway has been well constructed? It is a well built and substantial line.

50. And will it not serve a large number of companies both on and beyond the line? Yes.

51. Is there any other way in which these companies could have been served in the way of communication? None that I can see, without going to an enormous expense.

52. Do you consider that the tramway will be a great benefit to those mines that are not connected with it, but are on the line beyond it? Very great indeed.

53. Can you form any idea of what it is worth to the various mines? We would have been only too glad to have got the use of such a tramway without having to go to the expense of constructing it ourselves. If any other company had undertaken to construct the line, we would have been only too glad to have paid for the use of it.

54. Do you think it will be the means of developing the various mines at Zeehan? Yes; without that tram, it would be years before they could be developed.

55. As a matter of fact, this tram will be a boon to the whole of the West Coast? Yes.

56. Do you anticipate much traffic on that line? We do.

57. Both in passengers and goods? Yes.

58. And especially as to machinery? Yes. Without that tram it would be a very costly matter getting machinery in to the various mines.

59. Would that line be safe for locomotives? Quite safe. It is our intention to have a locomotive there when the trade develops.

60. Is it sufficiently well constructed for the purpose of conveying all the goods and passenger traffic likely to come for some years? Yes. The rails are light, but we can get locomotives suitable to the rails.

61. And by increasing the train service, an enormous amount of traffic can be done on it? Quite so. It is our intention, if it is required, to lay heavier rails in the place of the light ones. We have the sleepers so close together that it strengthens the light rails, and makes them equal to ones much heavier.

62. *By Mr. Conway.*—What is the distance from centre to centre of the sleepers? I do not think that they are more than 18 inches apart.

63. So that the rails would be equal to 25lb. rails with the ordinary sleepers? Just so.

64. *By the Chairman.*—Are you interested in any of the other mines through which this tramway passes? Yes, I am largely interested in the Nubeena, in which I hold 4000 shares; also, the Central Balstrups. The tram will be a great boon to both those companies. If any other company but ours had constructed that line, and we had expended the money we spent on it on our mine, we would have been on the dividend-paying list before now. It is a great benefit to the district, and also to the mines.

65. *By Mr. Crisp.*—You state that the rails are rather light? Yes.

66. Are they safe? Perfectly safe.

67. Are they new rails? They are all new rails, imported for this particular work. I may say there is a mine a little further on—the Duke—which is a very good mine, but without machinery it is utterly valueless. Without our tram, I do not see any possible way in which machinery could be got to that mine. If it had not been for this tram I would not have bought a single share in the Nubeena.

EDWARD MULCAHY, *called and examined.*

68. *By Mr. Lucas.*—What is your name? Edward Mulcahy.

69. You are intimately acquainted with Zeehan? Yes.

70. Do you know the Grubb's Tramway? Yes; I have been on a portion of it.

71. Is that tram a necessary work for the development of the mines? Yes. It is through the heart of a rich mineral country, and is the only road to serve the sections there.

72. Will not the traffic on that line inevitably be large in the course of a short time? Yes. The tramway passes through the best-known sections in Zeehan.

73. Would it not cost a large amount of money to open up means of communication there? Yes; probably more than the tramway cost. The country is so rugged and wild that, except for this tram, there are no means of communication except rough tracks.

74. Would it be possible to get machinery along those tracks? It would be really impossible in many cases.

75. Then this tramway will be a great boon, and serve to develop the mineral-bearing country of that district? Yes. If there are conditions imposing a continuance of proper service on the Company I think there can be no possible objection to the Bill.

APPENDIX A.

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

The humble Petition of the "Grubb's Silver Mining Company Registered, No Liability,"

SHOWETH:

1. THAT your Honorable House has recently suspended the Standing Orders of the House of Assembly regulating the introduction of private Bills, with a view of enabling your petitioners to introduce a Bill into your Honorable House without giving public notice of our intention to introduce such Bill, and without presenting within thirty days of the opening of the present Session of Parliament the usual petition in accordance with such Standing Orders.

2. That your petitioners are the holders and occupiers, under the provisions of "The Mineral Lands Act, 1884," of two Sections of land situate at or near Mount Zeehan, in Tasmania, delineated and described in leases numbered 1562-87M and 1580-87M.

3. That your petitioners are possessed of a mining easement subject to the provisions of the said "Mineral Lands Act, 1884," dated the twenty-seventh day of July, One thousand eight hundred and ninety-one, under the hand and seal of the Honorable the Minister of Lands and Works, whereby they are entitled to hold and occupy certain lands extending from and situate between the said two Sections and the proposed terminus of the Strahan and Mount Zeehan Railway at Mount Zeehan aforesaid.

4. That your petitioners, under and by virtue of the rights and privileges given by such mining easement, have constructed a steel rail tramway from their said two sections to the proposed railway terminus at Zeehan aforesaid, a distance of three miles and three-quarters of a mile, or thereabouts, at a considerable cost, and the same will be open for traffic very shortly.

5. That your petitioners confidently anticipate a large amount of traffic on their tramway, which they have no means of regulating, nor have they any adequate power of protecting themselves and their tramway property for want of a code of by-laws; nor can they lease or dispose of their tramway should the exigencies of the Company require them to deal with it by one or other of those means, unless the Parliament of Tasmania should in its wisdom consent to pass the Bill now in the hands of the Members of your Honorable House giving your petitioners the necessary powers in this behalf.

6. The general objects of the said Bill are to provide for the proper maintenance and working of the said tramway under the supervision of the Government of Tasmania, for the levying and collection of tolls, rates, and charges for traffic on the tramway, and for the protection of the Company as common carriers; also to enable the Company to sell or lease their said tramway, and to make by-laws for regulating their affairs, the management of the said tramway, and for fixing the charges for the conveyance of passengers, goods, and merchandise on the tramway. The Bill also contains such necessary clauses as are conducive to the objects aforesaid.

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

And your petitioners will ever pray, &c.

WILLIAM SMITH,
 JAMES PEET,
 D. BARCLAY,
 JOHN HELMER,
 JOHN BRADLEY, } *Directors.*

W. C. GRUBB, *Legal Manager.*

September 16th, 1891.

APPENDIX B.

TELEGRAM.

Zeehan, 24th September, 1891.

A. P. MILLER, *Esg.*

MR. Sinclair concurs we should have a clause inserted in Grubb's Bill giving us power to connect and use a portion of their line in lieu of compensation. Letter posted. Please see Member.

A. G. LEAR.

APPENDIX C.

GRUBB'S SILVER-MINING COMPANY, NO LIABILITY.

Cost of Tramway Construction to 18th August, 1891.

	£	s.	d.
By Plant and material	2494	11	2
Wages manager and men	7751	13	11
Fees to Government	35	0	0
Survey of line	473	13	11
Cartage of material	500	0	0
Rolling-stock sufficient for Company's purposes, about ..	500	0	0
	<u>£11,754</u>	<u>19</u>	<u>0</u>

As amended by the Select Committee.

A

B I L L

TO

Authorise "The *Grubb's* Silver Mining Company, Registered, No Liability," to make By-laws for the Regulation of Traffic on their Tramway at Mount *Zeehan*, in *Tasmania*, and for the protection of the Company's Interests therein, and to empower the Company to sell or lease their Tramway, and other purposes.

A.D. 1891.

WHEREAS "The *Grubb's* Silver Mining Company, Registered, No Liability," have (under the powers conferred upon the said Company by a Licence or Mining Easement numbered 292-87w) constructed a Tramway from their Mineral Sections at Mount *Zeehan* aforesaid to the terminus of the *Strahan-Zeehan* Railway for the purpose of facilitating traffic between the said railway terminus and the Company's said Sections and those of other Silver Mining Companies:

PREAMBLE.



And whereas the said Tramway is practically the only means by which machinery, ore, goods, and passengers can be transported from the Town of *Zeehan* and the said railway terminus to the claims of the various Mining Companies whose properties are situate on or near to the said Tramway and beyond the *Grubb's* Silver Mining Company's said Mineral Sections:

[*Private.*]

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

A.D. 1891.

And whereas the said Company anticipate a large amount of traffic on their said Tramway, and it is desirable that By-laws for the regulation of the traffic should be made and published, but the said Company have no power or authority to make such By-laws, or to do and perform certain things necessary to be done and performed in the interests of the Company and the public without the authority of Parliament :

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

Short title.

1 This Act may be cited for all purposes as "The *Grubb's* Tramway Act, 1891."

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:— 15

"The Tramway" shall mean the Company's said Tramway, whether worked by steam [or] horse (or other motive) power, and includes all stations, branches, sidings, crossings, side-cuttings, cuttings, approaches, culverts, bridges, and embankments, and all conveniences in connection with the said Tramway : 20

"The Mining Easement" shall mean the Licence or Mining Easement issued to the Company, dated the 27th day of *July*, 1891, under the hand and seal of the Minister, and numbered 292-87w.) 25

"Person" includes Company :

"The Company" shall mean the *Grubb's* Silver Mining Company, Registered, No Liability :

"Company" includes every company, association, partnership, or firm, whether corporate or incorporate, wheresoever and howsoever incorporated, associated, or formed, which carries on business in *Tasmania* : 30

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

Railway to be kept in proper repair.

3 The Company shall at all times properly and efficiently maintain and work the Tramway, (and provide and maintain rolling-stock sufficient for the conveyance of passengers and the tonnage which may be offered for carriage on the Tramway), and the Governor in Council may from time to time appoint one or more officers to inspect the Tramway and to report upon the state and condition thereof, and the manner in which the same shall be worked and maintained ; and it shall be lawful for every officer appointed for the purpose aforesaid from time to time to enter upon the Tramway and to inspect the same and 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 Company to make such repairs to the Tramway, and such repairs or additions to the rolling-stock thereof, as may be necessary, to ensure the safety of the Tramway, or of the passengers travelling thereon, or the efficient working and maintenance of the Tramway, (or the provision and maintenance of rolling-stock sufficient for the conveyance of passengers and the tonnage which may be offered for carriage on the Tramway) ; and the Company shall, within such time as the Minister shall require, make all such repairs and additions to the Tramway or the rolling-stock thereof as the Minister shall deem necessary for the safe and efficient working of the Tramway. 55

Rates and tolls.

4 It shall be lawful for the Company from time to time to demand, take, collect, levy, and make such reasonable tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, mer-

chandise, chattels, live stock, machinery, and other things of any description, over and along the Tramway as may from time to time be fixed by any By-law to be made as hereinafter mentioned, but such tolls, rates, fares, and charges shall be subject to the approval of the Governor in Council.

A.D. 1891.


5 In case default is made in payment of any money due and payable in respect of the carriage or conveyance of any passengers or any goods, merchandise, or machinery, under the authority of this Act or otherwise, the same may be recovered in a summary manner before any Justice of the Peace, and it shall be lawful for the Company to detain the goods, merchandise, and machinery in respect of which such money shall be payable until the same shall be fully paid and satisfied; and also, if such goods, merchandise, or machinery shall have been detained during a period not less than Six months and the amount claimed thereon shall be then unpaid, to sell the same, or so much thereof as may be necessary for the purpose of paying the Company's claim and all expenses incurred in respect thereof, by public auction, at such time as shall be duly advertised in one local newspaper at least one week before the date of such sale, and to apply the proceeds of such sale in or towards the liquidation of the claim of the Company so due and payable, and the balance (if any) shall be paid by the Company to the person or persons entitled thereto.

Rates and tolls may be recovered.

6 Nothing in this Act contained shall extend to charge or make liable the Company further or in any other case than where according to the Laws of *Tasmania* stage-coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the Company of any protection or privilege to which stage-coach proprietors or common carriers may be entitled, but, on the contrary, the Company shall at all times be entitled to the benefit of every such protection and privilege.

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


7 It shall be lawful for the Company to use and employ (horses) locomotives, engines, or other motive power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the Tramway all such passengers, goods, merchandise, machinery, and other things of every kind, and live stock of all kinds, as may be offered for that purpose, and to make demand, sue for, and recover such tolls and charges in respect thereof as herein mentioned: Provided always, that it shall be lawful for the Company to carry on the Tramway all servants, workmen, and officers and Directors of the Company free of charge.


 Authority to employ locomotives, engines, carriages, and other locomotive powers.

8 The line shall at all reasonable times be open and free to be used by every person as a passenger who complies with the regulations and By-laws for the time being in force on the Tramway, and also for traffic [when not required for traffic purposes exclusively by the Company,] subject to such regulations and By-laws as aforesaid.

Line to be open for traffic.

9 The Company shall allow to all Members of the Parliament of *Tasmania* the same privilege of travelling free of charge over the Tramway as are enjoyed by such Members on Government Railways.


 Company to carry Members of Parliament free of charge.

10 It shall be lawful for the Company at any time, by deed or instrument in writing, to assign and transfer the tramway and all rights, powers, privileges, benefits, and advantages conferred by this Act, or

Power to sell and assign Tramway and statutory rights.

A.D. 1891.

by any lease or licence granted to the Company, to any person or persons or duly incorporated Company, and upon such transfer or assignment being signed and executed the person or persons or incorporated Company in whose favour such transfer or assignment shall have been made shall then stand in the place of the Company 5 and shall be subject to all the liabilities and have and enjoy all the rights, powers, privileges, benefits, and advantages by this Act or otherwise conferred upon or enjoyed by the Company.

(If lease transferred to foreign Company such Company to have registered Office.)

11—(1.) If the Company shall at any time assign and transfer the Tramway and all rights, powers, privileges, benefits, and advantages 10 conferred by this Act, or by any lease or licence held by them, to any Company formed or incorporated in any place out of *Tasmania* which is not registered in *Tasmania* under *The Companies Act*, 1869, then such Company, before beginning business on or in connection with the Tramway, shall register with the Registrar of Companies under the same 15 Act the name and place of abode or business of the person appointed by such Company to carry on the business of the Company in *Tasmania*, and also the situation of the office of such Company; 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 the Company. 20

(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. 25

(3.) Sections Forty-three, Forty-four, Forty-five, and Forty-six of *The Companies Act*, 1869, is hereby incorporated with this Act, and shall apply to any such Company as aforesaid in the same manner and to the like effect as if such Company had been duly registered under the said *Companies Act*, 1869. 30

Company may lease the Tramway.

12 It shall be lawful for the Company to lease the Tramway, or any part thereof, to any person or company, at such rental and for such term as may be agreed upon by the contracting parties, and the lease to be executed by them shall contain all usual and proper covenants on the part of the lessee or lessees for maintaining the Tramway or the 35 part thereof contained in such lease in good and effectual repair and working condition during the continuance of such lease, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature: Provided always, that 40 no such lease shall contain any authority to make any assignment, transfer, or under-lease of the tramway or demised premises, or any part thereof, without the assent in writing of the Company to such assignment, transfer, or under-lease.

The lessee shall be entitled to all the privileges of the Company.

13 Such lease shall entitle the lessee or lessees to whom the same 45 shall be granted to the free use of the Tramway or part thereof comprised therein. And during the continuance of such lease all the powers and privileges granted to, and which might otherwise be exercised and enjoyed by, the Company by virtue of this Act or otherwise with regard to the possession and management of the Tramway 50 or the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee or lessees and his or their officers and servants under the same regulations as are by this

Act or otherwise imposed on the Company; and such lessee or lessees shall, with respect to the Tramway or any part thereof comprised in such lease, be subject to all the obligations imposed on the Company by this Act. A.D. 1891.


5 **14** It shall be lawful for the Company from time to time to let the said tolls, rates, fares, and charges; and during the continuance of any such letting the person to whom the same shall be let, or the persons or person appointed by him, are hereby empowered to demand, levy, and take the said tolls, rates, fares, and charges, and to use and manage
10 the Tramway, and the equipment and rolling-stock thereto belonging, 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 Company would have been empowered or would have had and would have been subject to but for such letting. Power to let tolls, rates, fares, and charges.


15 **15** It shall be lawful for the Company from time to time to make By-laws— Power to make By-laws.

- i. For the preventing and commission of any nuisance in or upon any carriage or any premises of the Company;
- 20 ii. For regulating the travelling upon or using and working of the Tramway;
- iii. For regulating the conduct of the officers and servants of the Company;
- 25 iv. For the fixing, making, levying, and collecting of tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, chattels, live stock, machinery, and other things of any description;
- v. And generally for providing for the management of the affairs of the Company.

And it shall also be lawful for the Company from time to time to repeal or alter any such By-laws: Provided, that such By-laws be not repugnant to law.

16 The Company, 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 may be enforced by penalties.

(A) A copy of all By-laws made by the Company shall be under the seal of the Company, and submitted for approval to the Governor in Council, who, on being satisfied that the same are framed in conformity with law and are reasonable and proper, may confirm the same; and no By-laws made by the Company shall have any force or effect until the expiration of Fourteen days after a copy of such By-laws and of the confirmation thereof shall have been published in the *Hobart Gazette*.  (By-laws to be approved by the Governor.)

(B) It shall be lawful for the Governor in Council at any time to notify to the Company his disallowance of any By-laws then in force and the time at which the same shall cease to be in force; and no By-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same:  (Power of Governor to disallow By-laws.)
50 Provided that a copy of such notice shall be published in the *Hobart Gazette*, and the time of disallowance fixed by such notice shall not be earlier than Fourteen days after the date of the first publication of such notice.)

A.D. 1891.

By-laws to be published.

17 [All such By-laws, except those which relate exclusively to the servants and officers 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 Tramway and at every station on the [said] Tramway, and be open to 5 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 all reasonable times, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

By-laws to be binding.

18 All By-laws made according to the provisions of this Act, when 10 so published and put up, shall be binding upon and observed by all parties, and shall be sufficient warrant for all persons acting under the same.

Proof of By-laws.

19 The production of a copy of the *Hobart Gazette* containing a notice purporting to be a copy of any By-laws of the Company and of 15 the confirmation thereof, or a notice of the disallowance thereof by the Governor in Council of any By-laws of the Company, shall in all cases and for all purposes be deemed to be conclusive evidence that such By-laws have been duly made and confirmed or disallowed in manner therein appearing, and shall be *prima facie* evidence that the provisions 20 of this Act with respect to the publication of such By-laws have been complied with; and *prima facie* evidence of any such By-laws may be given in all Courts of Justice and in all legal proceedings whatsoever by the production of a copy of the *Gazette* purporting to contain any such By-laws. 25

By-laws to be laid before Parliament.

20 All By-laws made by the Company under this Act shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is in Session, and if not, then within Fourteen days after the commencement of the next Session of Parliament.

Penalty for travelling without paying fare.

21 If any person travels or attempts to travel in any train or 30 carriage of the Company without having paid his fare and with intent to avoid payment thereof; or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such train or carriage beyond such distance without previously paying the additional fare for such additional distance, and with intent to avoid 35 payment thereof; or, if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such train or carriage,—every such person shall for every such offence forfeit to the Company a sum not exceeding Forty Shillings.

Punishment of persons obstructing officers, or trespassing upon Tramway.

22 If any person wilfully obstructs or impedes any officer or person 40 employed upon the Tramway in the execution of his duty thereon or upon or in any of the stations or other works or premises connected therewith, and if any person wilfully trespasses upon the Tramway or any of the stations or other works or premises connected therewith and refuses to quit the same upon request made to him by any officer 45 or person employed upon the Tramway, every such person so offending, and all others aiding or assisting therein, may be apprehended and detained by any constable, officer, or person employed upon the Tramway, and any person whom he may call to his assistance, until such offender can be conveniently taken before Two Justices of the 50 Peace assembled in Petty Sessions; and every person so offending

shall, upon conviction before such Justices, be liable either to forfeit and pay a penalty not exceeding Five Pounds, or else to be imprisoned for any term not exceeding Two months, as to the said Justices shall seem meet. A.D. 1891.

5 **23** It shall be lawful for any constable to apprehend and detain any engine-driver, guard, porter, or other person employed upon the Tramway who is found drunk whilst employed upon the said Tramway, or who commits any offence against any By-law, or who wilfully, maliciously, or negligently does or omits to do any act
10 whereby the life or limb of any person passing along or being upon the Tramway is or might be injured or endangered, or whereby the passage of any of the engines, carriages, or trains is or might be obstructed or impeded, and to convey every person so offending, and any person counselling, aiding, or assisting in such offence, with all
15 convenient speed before some Justice without any other warrant or authority than this Act; and every person so offending, and every person counselling, aiding, or assisting therein as aforesaid, shall, upon conviction before such Justice in a summary way, without information in writing, be liable to be imprisoned for any term not exceeding Two
20 months; or else shall forfeit and pay any sum not exceeding Ten Pounds, as to the said Justice shall seem meet.

Punishment of persons employed upon Tramway guilty of misconduct.

24 No person shall be entitled to carry or to require the Company to carry on the Tramway any aquafortis, oil of vitriol, gunpowder, blasting material, lucifer matches, or any other goods which, in the
25 judgment of the Company, their stationmaster or booking clerk, may be of a dangerous nature; and if any such 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 booking clerk or other servant of the
30 Company with whom the same are left at the time of so leaving, he shall forfeit to the Company a sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel, case, or package they may suspect to contain goods of an explosive or dangerous nature, or may require the same to be
35 opened to ascertain the fact.

Penalty for bringing dangerous goods on Tramway.

25 No plaintiff shall recover in any action commenced against the Company or any person for anything done in pursuance of this Act unless such action be commenced within Three months after the cause of action has accrued, and unless notice in writing of such intended
40 action, signed by the plaintiff or his attorney, specifying the cause of action, has been given to the defendant One month at least before such action or suit is commenced; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of
45 this Act or any Act incorporated herewith, or any By-law made under the provisions of this Act; and if the same appears to have been so done, or if such action or suit has not been brought within Three months after the cause of action had accrued, or has been brought before the expiration of One month next after such notice has been given as afore-
50 said, or after sufficient satisfaction made or tendered on behalf of the Company, then and in every such case a verdict shall be found for the defendant.

Action to be commenced within Three months.
Notice of Action.
Plea.

A.D. 1891.

Offences to be dealt with summarily.

26 All offences against this Act, or any By-law made in pursuance of this Act, and all tolls, charges, penalties, and sums of money imposed or made payable thereunder, shall be heard and determined, and all orders shall be made, and all penalties and sums of money imposed or made payable 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 this Act or of any such By-law shall be paid to the Consolidated Revenue Fund. 5

Appeal from penalties.

27 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or any such By-law, which is recoverable in a summary manner, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*. 10

(Power to take water and remove timber.)

28 It shall be lawful for the Company, for the purpose of working the Tramway—

- i. 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 tanks by natural gravitation: 15
- ii. From time to time to fell, cut down, and remove all timber growing or being on either side of the Tramway for a distance of Fifty links measuring from the centre of the Tramway, and also all timber which in the opinion of the Company it may be necessary to remove for the safe working of the Tramway. 20

(Rights of Company to continue upon ceasing to hold mineral lease.)

(C) It shall be lawful for the Company, notwithstanding anything to the contrary in any Law or Statute contained, to continue to hold the mining easement, and to maintain and work the Tramway thereunder, and under and subject to the provisions of this Act, although the Company may for any reason cease to hold the lease or leases now held by the Company, or to carry on business as a Mining Company.) 25 30

(Disputes to be settled by arbitration.)

(D) Should any difference or dispute arise between the Company and the Minister, or any person or company, concerning the matters dealt with in this Act, it shall be settled by arbitration in the manner provided by *The Companies Act, 1869*.)

(33 Vict. No. 22.)

(Company to have the rights and be subject to liabilities conferred or imposed by the Easement.)

(E) Except so far as the same may be altered or modified by this Act, the Company shall have all the rights, powers and privileges, and be subject to all the liabilities, conferred or imposed by the Mining Easement.) 35