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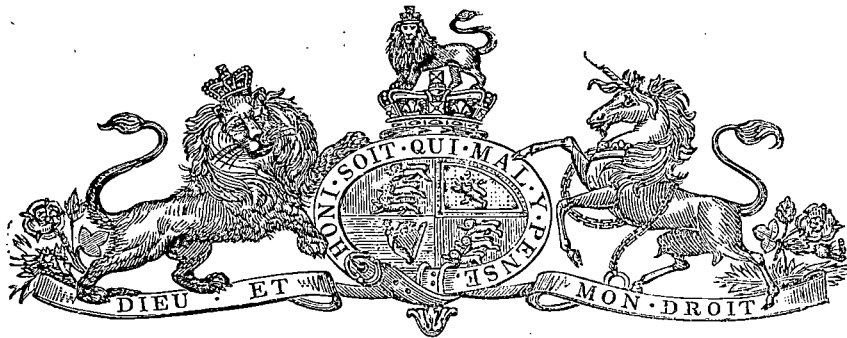
PARLIAMENT OF TASMANIA.

THE ROCKY RIVER TRAMWAY BILL, 1899,
(PRIVATE):

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

Brought up by Mr. Hall, August 4, 1899, and ordered by the House of Assembly
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SELECT COMMITTEE appointed on the 14th day of July, 1899, to consider and report upon "The Rocky River Tramway Bill, 1899," (Private).

MEMBERS OF THE COMMITTEE.

MR. BIRD.
MR. GILMORE.
MR. HALL.
MR. LEWIS.

MR. MINISTER OF LANDS AND WORKS.
MR. MCWILLIAMS.
MR. MULCAHY.

DAYS OF MEETING.

Wednesday, August 2; Thursday, August 3; Friday, August 4.

WITNESSES EXAMINED.

Mr. J. F. Studholme, Director and Agent of the Rocky River Tramway Company, No Liability; Mr. David Jones, District Surveyor for Russell; Mr. Edward Henry Butler; Mr. W. H. Wallace, Secretary for Mines; Mr. C. H. Hall, M.H.A.; Mr. Back, General Manager, Tasmanian Government Railways.

REPORT.

Your Committee having taken evidence in support of the allegations contained in the Preamble of the Bill, have the honour 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 have the honour to recommend certain Amendments.

Your Committee have now the honour of submitting the Bill, with the Amendments, to the favourable consideration of your Honourable House.

C. H. HALL, *Chairman.*

Committee Room, 4th August, 1899.

MINUTES OF PROCEEDINGS

WEDNESDAY, AUGUST 2, 1899.

The Committee met at 10·30 o'clock.

Members present.—Mr. Hall, Mr. Lewis, Mr. McWilliams, and Mr. Mulcahy.

Mr. Hall was appointed Chairman.

The Clerk read the Order of the House appointing the Committee.

The Chairman laid the Petition praying for leave to bring in the Bill upon the Table, (Appendix), and also copies of the following papers, containing advertisements giving notice of the intention of Mr. Joseph Francis Studholme, Director and Agent of the Rocky River Mining Company, No Liability, to bring in a Private Bill, viz., *The Hobart Gazette*, *The Zeehan and Dundas Herald*, and *The Tasmanian News*.

Mr. Joseph Francis Studholme, Director and Agent of the Rocky River Mining Company, No Liability, was called in and examined.

Mr. Bird and Mr. Gilmore took their seats.

Mr. Studholme laid upon the Table Plans (3) showing the proposed routes of the Tramway line, the features of the Rocky River mining sections, and the working of the mine.

Mr. Studholme withdrew.

Mr. David Jones, District Surveyor for Russell, was called in and examined.

Mr. Jones withdrew.

Mr. Edward Henry Butler was called in and examined.

Mr. Butler withdrew.

Mr. David Jones was re-called and further examined.

Mr. Jones withdrew.

Mr. William Henry Wallace, Secretary for Mines, was called in and examined.

Mr. Wallace withdrew.

Mr. Charles Henry Hall, M.H.A., was examined before the Committee.

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

Mr. Back withdrew.

The Committee adjourned till 11 o'clock to-morrow.

THURSDAY, AUGUST 3, 1899.

The Committee met at 11 o'clock.

Members present.—Mr. Hall (Chairman), Mr. Lewis, Mr. Mulcahy, and Mr. Gilmore.

The Minutes of the last Meeting were read and confirmed.

The Committee deliberated.

Resolved, That the Preamble stand part of the Bill.

Clauses 1 to 4 agreed to.

Mr. Bird took his seat.

Clause 5.

Amendment made, page 3, line 21, after "yard," by adding "and adhesive grades not steeper than one in twenty-five."

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

Amendment made, page 3, line 29, after "hour," by inserting "with a load of not less than Three tons upon each axle of every vehicle."

Clause, as amended, agreed to.

Clause 8.

Amendment made, page 3, line 44, after "line," by inserting "not less than Two miles."

Clause, as amended, agreed to.

Clauses 9 to 11 agreed to.

Clause 12.

Amendment made, page 4, line 35, after "Tramway," by adding "and shall make and maintain proper crossings, gates, and cattle-guards."

Clause, as amended, agreed to.

Clauses 13 to 17 agreed to.

Clause 18.

Amendments made:—

Page 5, line 42, after "any," by striking out "public."

Page 5, line 46, after "compensation," by adding "but the Minister may construct any public road across the Tramway without paying any compensation for any interference with the Tramway, or the working thereof, or with works of the Company."

Clause, as amended, agreed to.

Clause 19.

Amendment made, page 5, line 48, after "Tramway," by inserting "not exceeding Forty chains in length."

Clause, as amended, agreed to.

Clause 20.

Amendments made:—

Page 6, line 4, after "Company," by striking out "to connect with," and inserting "with the approval of the Governor to permit."

Page 6, line 5, after "persons," by striking out "for the necessary purpose of the formation and working of of," and inserting "to junction with."

Clause, as amended, agreed to.

Clause 21.

Amendments made :—

Page 6, line 10, after "Tramway," by inserting "and the rolling stock thereof."

Page 6, line 11, after "Tramway," by inserting "and the rolling stock thereof."

Page 6, line 20, after "Act," by inserting "and to make such additions to the rolling stock thereof as may be necessary to carry such passengers, materials, and goods as may be offered for carriage on the Tramway."

Page 6, line 22, after "Tramway," by inserting "and additions to the rolling stock thereof."

Page 6, line 23, after "repairs," by inserting "and additions."

Clause, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24.

Amendment made, page 7, line 22, after "other" by inserting "Tramway."

Clause, as amended, agreed to.

Clauses 25 and 26 agreed to.

Clause 27.

Amendments made :—

Page 8, line 17, after "the," by striking out "Minister," and inserting "Governor."

Page 8, line 19, after "necessary," by striking out "or," and inserting "and may."

Page 8, line 20, after "Tramways," by inserting "to termini."

Same line, after "of," by striking out "the said Mining Leases, held by the Company," and inserting "the Tramway."

Page 8, line 21, after "time," by striking out "be sanctioned by the Governor, and also such other extensions, branch lines, and additional Tramway, to points beyond the said radius of five miles as may from time to time."

Clause, as amended, agreed to.

Clauses 28 to 47 agreed to.

Clause 48.

Amendment made, page 8, line 28, after "lighting," by inserting "for the mines, Tramway, or other works of the Company."

Clause, as amended, agreed to.

The Committee adjourned till 3 o'clock to-morrow.

FRIDAY, AUGUST 4, 1899.

The Committee met at 3 o'clock.

Members present.—Mr. Hall (Chairman), Mr. Lewis, Mr. McWilliams, and Mr. Mulcahy.

The Minutes of last Meeting were read and confirmed.

Bill further considered.

Clause 21 reconsidered.

Amendment made, page 6, line 20, before "and," by inserting "and to provide such automatic brakes upon the rolling stock as may in his opinion be necessary, to ensure the safety of the passengers travelling therein."

Clause, as further amended, agreed to.

Clause 24 reconsidered.

Amendment, page 7, line 12, after "Minister," by inserting "and such Marine Board or other authority having jurisdiction over the Pieman River."

Clause 44 reconsidered.

Amendment made, page 11, line 40, after "Tramway" by inserting "and for wharfage."

Clause, as amended, agreed to.

Clauses 49 to 78 agreed to.

Clause 79.

Amendments made :—

Page 17, line 17 after "*Gazette*," by inserting "and 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."

Page 17, line 19, after "Company," by striking out "and at every station on the Tramway."

Clause, as amended, agreed to.

Clauses 80 to 85 agreed to.

Clause 86.

Amendment made, page 18, line 41, after "of," by striking out "Fifteen," and inserting "Ten."

Clause, as amended, agreed to.

Clauses 87 and 88 agreed to.

Clause 89.

Amendment made, page 19, line 17, after "simple," by inserting "reserving for the use of Her Majesty a royalty upon all gold and minerals obtained therefrom at the rate of Two-and-a-half per centum of the gross value thereof on the ground."

Clause, as amended, agreed to.

Clauses 90 to 96 agreed to.

Draft Report brought up and agreed to.

The Committee adjourned *sine die*.

APPENDIX.

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

The humble Petition of the Rocky River Mining Company, No Liability, being a Company holding certain mining leases near the Rocky River, in Tasmania,

OWETH :

1. That notice of the intention of your Petitioners to apply for a Private Bill has been published in the *Hobart Gazette*, on the fourth instant, and in the *Mercury* on the same day.

2. That it is the intention of your Petitioners to continue to advertise such notice until four advertisements have appeared in the *Hobart Gazette* and in a public newspaper published in Hobart and in a public newspaper published in or nearest to the district affected by the Bill.

3. That it would be most detrimental to the interests of your Petitioners, and they believe to the interests of the mines in the same neighbourhood, if the said Bill should be postponed until the next Session of Parliament.

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

To enable the Company to construct a Tramway from a point in or near mining leases held by the Company at Rocky River to a point at or near the junction of the Whyte River with the Pieman River, and also such extensions and 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, piers, wharves, 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-powers, 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 Victoria, 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 :

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 or the said By-laws and 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 the Company to carry out the works and undertakings aforesaid.

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

And your Petitioners will ever pray, &c.

Dated this fifth day of July, One thousand eight hundred and ninety-nine.

THE ROCKY RIVER MINING COMPANY, NO LIABILITY,
By its Director and Agent, J. F. STUDHOLME.

EVIDENCE.

WEDNESDAY, AUGUST 2, 1899.

JOSEPH FRANCIS STUDHOLME, *called and examined.*

1. *By Mr. Lewis.*—Your name is? Joseph Francis Studholme.
2. And you are a Director of the Rocky River Mining Company, No Liability? Yes.
3. We understand that the Company are promoting the present Bill for the construction of a tramway from the Rocky River Company's Sections to the Pieman River? Yes, that is so.
4. Have you any plans to submit? Yes, there is a plan here.
5. Will you please explain those plans to the Committee? (Witness produced plans showing the proposed route of the tramway, and several alternative routes, the site of the proposed terminus at the junction of the Pieman and Whyte Rivers, and the position of the mining leases.) The Company are of opinion that the best and more practicable route will be by following the course of the Whyte River from the mine to the Pieman River. Certainly there are difficulties to be encountered, as for some considerable distance the Whyte River runs through a steep and precipitous gorge, which will make it difficult to obtain the requisite curves; but I consider that the difficulties are not insurmountable, and that this route is likely to be adopted. The route is therefore not actually settled yet; but the question of route is a matter for the Company itself, as there are no private interests involved, and public interests are guarded under the Bill. The route has to be approved by the Minister. The prospects of the mine are sufficiently good to warrant us in making a railway to get out the ore; in fact, we can do nothing without it. (Witness submitted plans showing the workings at the mine up to January, 1899, and said that a great deal of work had been done since then. The minerals found in the mine were chiefly copper, nickel, and gold. The plans showed the workings and the position of the lodes and formations discovered.)
6. Have you had surveys of the line made? Yes; Mr. Bruford, an engineer from Victoria, was sent over, and was engaged in surveying the routes for four months.
7. And is it a practicable route? Yes; there are two or three routes by which the line can be made, but the best has not yet been actually proved. Rough estimates have been made. There is no doubt the line can be constructed.
8. Do we understand that you produce these plans, showing that there are practicable routes, but you don't bind the Company down to any one route; the ultimate route decided on will have to be approved by the Minister? Yes.
9. What amount of work has been done at the mine—how much has been expended? £12,000 odd, in opening up the property.
10. And what do you consider are the prospects of the mine? As far as it has been proved the mine is a very valuable one. We are showing our faith in the mine by being willing to risk a large amount of capital to build a railway to get the ore away and to bring the necessary machinery to the mine.
11. Should this Bill become law, what are the prospects of the Company proceeding with the construction of the tramway? Directly the Bill becomes law we should at once set to work to get a proper survey and estimates, and we should start the work of construction at once. We are only too anxious to get the railway made, and there will be no hitch as far as that is concerned.
12. Is your financial position sufficiently strong to construct the line? Yes; we hold a very strong position. We have now £6845 available in cash, and we have 21,514 unissued shares, which are not sold, but for which we were offered 5s. 6d. each, being 1s. 10d. per share premium, as they would only rank as contributing shares paid up to 3s. 10d. We have power to call to the extent of £80,833, and we know the shareholders will pay up. I feel confident that the biggest shareholders would be willing to find the money. There will be no difficulty at all in raising the money; you need not be in the least doubt as to that.
13. How many shareholders are there? There are 430 shareholders on the register.
14. And how many shares are there in the Company? There are 200,000 shares.
15. In this Bill you ask, for the purpose of what is called a "terminus site," for 15 acres of land at the junction of the Whyte and Pieman rivers; for what purpose do you want that land? We want it for the purpose of building stores for ore, for a wharf, and for general buildings, stables, and so on. We intend to make a big terminus there. The land is of very little value; it is not all flat land.
16. *By Mr. Mulcahy.*—Can you give us any information as to assays, or the character of the lodes? Yes. We have five well-defined and large lodes, three very close together in the eastern portion of the property. The No. 1 lode chiefly contains a mineral which is called witherite; we expect to get good gold from that lode, also nickel. No. 2 is a richer lode, but not so large as the other; it is chiefly copper and gold. The No. 3 lode, as far as assayed, contains a high percentage of nickel, and we think it will be found very rich in nickel when we get lower down; it also contains payable copper and gold, besides cobalt.

17. Has any assay been made? Yes; but I should not like to say what the best assays have been, because I don't think you will believe it. I may say, however, that they have all been very satisfactory. However, there is no doubt now that we have a very good property, and that all the lodes are very rich. We have had no lode properly tested in bulk. We have now packed out 20 tons of ore, intending to pack more, and we shall test it in 5-ton lots; we shall then have more of a guide to go upon. We have now about 3000 tons of ore at grass.

18. Can you give us any idea of the average assay of any particular lode? No; I could not from memory. Some assays are given in half-yearly report for June, 1898. There are some made by Mr. A. J. Bolton, F.G.S.A., the assayer and metallurgist. Ore from No. 1 cross-cut, No. 1 lode—the ore called witherite—gave 2 ozs. of gold; No. 2 gave 15 dwts.; No. 3, 10 dwts. 4 grs.; No. 5, 5 dwts. 16 grs. Lode matter from No. 2 cross-cut gave 4 dwts. 6 grs. gold, a trace of silver, and $1\frac{1}{2}$ per cent. of copper per ton. From the No. 2 lode, in a winze 110 feet, ore was assayed giving 7 dwts. gold, 2 ozs. 4 dwts. silver, and $10\frac{1}{2}$ per cent. of copper per ton. Another sample gave 5 ozs. 10 dwts. gold, $3\frac{1}{2}$ ozs. silver, and $8\frac{3}{4}$ per cent. copper per ton; and another sample 6 ozs. 4 dwts. gold, $3\frac{1}{2}$ ozs. silver, and $14\frac{1}{2}$ per cent. copper. From other parts of the lode we got from $5\frac{1}{2}$ to 15 dwts. of gold, with a small percentage of copper. A bulk assay for gold was 7 dwts. 8 grs. per ton, and a bulk assay for copper $8\frac{1}{2}$ per cent. per ton. Several samples of nickel ore from No. 2 lode yielded from 51 to 74 per cent. of nickel. From samples submitted to Mr. Cairnes, F.G.S., mining geologist, samples of siegenite yielded from 1 oz. 5 dwts. to 2 ozs. 10 dwts. 22 grs. gold, and from 26 to $51\frac{3}{4}$ per cent. of nickel; cobalt was also present from $3\frac{1}{2}$ to the extent of 10 per cent. The percentage of copper ranged from about 5 to 13.25 per cent.

19. The Company, I understand, is going to construct this line of tramway out of its own capital? Yes.

20. You are not asking any concessions for flotation purposes? No, none whatever.

21. *By Mr. Bird.*—What do you expect the line to cost—can you give us any approximate idea? Yes; it has been roughly estimated. The estimate made by Mr. Bruford for a line of two-foot gauge, including rolling-stock, was £14,000, but I think that is rather under-estimated in such country. I think it will be considerably more.

22. What did you estimate your full available capital at? The amount of capital in hand is £6800 odd, and we have calling power over 21,500 shares unissued. These would produce now from £5000 to £6000 if sold, but we will not sell at the price offered. We have calling power in the Company to the amount of £80,833.

23. You speak of an alternative route—if that were adopted, would it come to the same terminus? We should come to Corinna if we were to take the alternative route.

24. Do you ask for a grant of 15 acres for terminus purposes in either case? Yes; but I do not suppose we should be able to get that at Corinna township, but we would get it somewhere else. There is lots of waste land immediately above the township which is not very valuable.

25. Do you ask for a grant of that land, or to lease it? We ask for a grant, but we only ask for a grant when we have made the railway and it is in full working order.

27. *By Mr. McWilliams.*—Your line will cross the river at several places, I believe? Yes.

28. Will the bridges interfere in any way with the navigation? Not in the slightest; in fact, there is no navigation there except for very small boats. There is no chance of our obstructing the river in that way.

29. You ask for a grant of 15 acres; suppose minerals were found on that 15 acres, would your company be prepared to put a clause into the Bill for reclamation for mining purposes the same as other companies do? Yes, I expect they would. We only want the same terms as have been granted in other Bills.

30. Would the proposed line serve any other mines, or any other mining district near the terminus or on the line of route? Yes, there are a good many other claims there that would be served by it.

31. Yes, and the Company would give transit facilities to these other companies? Yes, we would give facilities to other companies that might not be rich enough to make a line of their own. We would act for them unless they had some other way of getting their ore out. They can do nothing unless they can get ore out. We are the only company doing any work there now.

32. I take it the primary object of this Company really is to afford a means of working your own mine? That is our primary object. We are at the present time absolutely stopped. We need not go any further in developing the mine unless we can get the means of getting the ore away. It has come to this, that we must either shut down the mine, or have a railway. The only thing to be done is to get a railway or we must shut down.

33. Your line would not, I understand, compete with any Government line? No, we should not come into competition with any line.

34. *By the Chairman.*—Could you give us an approximate idea of the amount of ore at grass? I should say about 3000 tons. We have not taken more than we could help out because we should only have to shift it so many times.

35. I see you have not taken it out. You have cross-cuts and winzes but you have not stoped as yet? No, we have only carried on our operations under the lodes we have not stoped; there are a few more assays of ore. They are assay returns on samples submitted by Mr. Cairnes. I will put them in. (Report of Company, with assay returns already referred to, tabled).

36. *By Mr. Mulcahy.*—Your object in making this line is, primarily, to carry ore from your own mine, and, as I understand, afterwards becoming common carriers. Have you any clause in

the Bill making it obligatory upon the Company to carry ore for others? None at all. I should object to a clause which might compel us to make branches to other mines. We will take any ore from our terminus.

37. Supposing your rolling-stock should only be enough for your own wants, would you then be willing to agree to increase your rolling-stock? Yes; we would agree to act as common carriers do in such a case, wherever it was necessary.

38. *By Mr. Gilmore.*—How long has this company been in existence? It was formed on 13th February, 1895.

39. And what amount of capital has been expended? £12,000.

The witness withdrew.

DAVID JONES, *called and examined.*

40. *By the Chairman.*—What is your name? David Jones.

41. And you are District Surveyor for the County of Russell, stationed at Waratah? Yes, I am.

42. Have you read this Bill, Mr. Jones? Yes; I read the Bill this morning, and refreshed my memory.

43. And you know the locality personally, do you not, through which the tramway line for the Rocky River Mining Company will be constructed? Yes; very well.

44. Would it, from your knowledge of the district, interfere with any Government railway or any other line? No, it would not interfere with any Government railway in any way.

45. Do you think the mining district in the vicinity of the Rocky River would be benefitted by the construction of such a tramway? Undoubtedly.

46. You know the district intimately, do you not? Yes; I have known it intimately since 1876 or 1877.

47. And you are of opinion that the construction of a tramway like this line will give facilities of transit not only to the Rocky River Mining Company, but to other Companies there, and enable them to develop their properties? Yes; it could be extended in such a way as to be of great value to other mines.

48. Look at this plan, Mr. Jones, as to the proposed route (plan exhibited, and the two proposed routes explained). The line following the course of the river is that which the Company or the Promoters are most in favour of at the present time. From your knowledge of the country, do you think this route or the other route would serve that district best; which would be most beneficial? The one down the Whyte River: you see it follows the valleys along the river. There is no comparison between the two routes. I should say the river route, undoubtedly.

49. *By Mr. Lewis.*—Did you consider the question as to this tramway being to the advantage of the locality generally? Yes; it would be of great advantage if it had the power to extend the line: undoubtedly, it would be if it had the power to pick up other parts of the mineral country. What I mean is this, that they could tap a number of leases with excellent metal on them. You will find that below the Rocky River Company there are numerous sections that would benefit by the line: they would benefit others besides themselves.

50. How far are those sections you mention from the Rocky River Company's sections? Oh, within a radius of five miles. I remember that is in the Bill. There are sections about two miles north of the Rocky River Company with ore carrying as much as 32 per cent. of copper. Little work has been done on these sections, owing to want of facilities, but the country is very favourable to lodes being found which could be worked profitably.

51. What is the present mode of outlet from this district? By means of pack-tracks. The grades on these tracks from the Company's land for about a mile would be about 1 in 12; for the rest of the way to Brown's Plains they would be 1 in 10. All ore has to be taken from the mine and has to be lifted to a height of about 700 feet, and then to get down to Corinna by track would have to fall again about 800 feet.

52. How many miles would they have to travel to get to Corinna from Brown's Plains? About $7\frac{1}{2}$ miles, and from the mine to Corinna is $9\frac{1}{2}$ miles by the present route.

53. *By Mr. Bird.*—And how long would the line to Waratah be? About 32 miles.

54. And from the mine to the Emu Bay Railway? That would be about 50 miles, and through an impassible country. You can't get that way, because you would have to negotiate the Meredith Range, and that is a big order.

55. *By Mr. Lewis.*—Is the Pieman navigable at its junction with the Whyte River? Yes, there is 30 or 40 feet of water.

56. And what is the width of the river? The Pieman is about 5 chains at Corinna, and at its junction with the Whyte it is 4 chains or more, perhaps about 250 feet wide in front of the Whyte River.

57. *By Mr. Mulcahy.*—You know the proposed terminus of the line? Yes.

58. Would the site of that be easily approached so as to be available for the traffic of other mines? Of course; where the line will start from is on the outfall of the Whyte River, and the country rises rapidly on both sides. On the other, or east side, it is 800 feet. As far as communication is concerned they could make it by self-acting tramways or by aerial tramways. (Witness explained on the plan the position of the proposed bridge, &c.).

59. And is that suitable as an approach from other claims in the neighbourhood if they could get a mining easement? There would be no difficulty whatever.

60. It would be a good central station for the district? Yes, perfectly good.

61. *By the Chairman.*—I think they are asking for a grant of 15 acres at the junction: would it interfere with the navigation of the Whyte River in any way, or is it navigable? It is navigable for a very short distance, perhaps for half a mile or so, for small vessels.

62. Would the land asked for a station site be likely to be metalliferous at all, say for alluvial gold? Yes, there is a chance of some alluvial gold being found there, not very much.

63. Then would you advise a clause being inserted in the Bill to enable the Government to allow mining on that land, if necessary? Yes, I should think that would be a necessary clause.

64. From your knowledge of the country there is apparently a metalliferous belt running north and south, is there not? Yes, about 15 degrees to the west of magnetic north and about 5 degrees to the west of the true meridian. I have myself traced this formation for nearly 35 miles, and this formation is on the Rocky River Company's mine, as stated. It is on the west portion of the big formation.

65. Then, in your opinion, the construction of this line would in all probability afford an outlet for the ores of this district, and induce capitalists to open up this enormous metalliferous formation or belt? I should think it would, in view of the companies at present there, and that known as The Mount Donaldson, of which Mr. Rich, from England, is manager.

66. Could this line be used in any way for the development of the Stanley tin-fields? No. I don't think it would be practicable for that district at all. The distance would be too great, and the line too circuitous in every way.

67. Would it not enable them to get their ore to market at a reasonable rate by the construction of a road or track? No, the direction is a wrong one for the Stanley tin-fields. They are situated at the northern part of the Parson's Hood and the northern part of Mount Livingston. They would want to have a different route altogether. A plan giving the Stanley River would show that. (The witness explained the positions on the plan.)

Witness withdrew.

EDWARD HENRY BUTLER, *called and examined.*

68. *By Mr. Lewis.*—Your name is Edward Henry Butler, and you are a practitioner of the Supreme Court of Tasmania? Yes.

69. You are interested in some mineral sections at Long Plains, I believe? Yes.

70. What sections are they? There are in all 5 sections; 2 in the name of Mr. H. H. Gill, and 3 in my own name. These are at present under offer to the Long Plains Syndicate of London. I may mention that Mr. Gill is now in England, and I expect to hear every day that a large Company has been floated to work them. The Syndicate has already spent £3000 in prospecting, and has discovered a very valuable gold deposit there, as well as copper ore. The only drawback is that there is no road to the place. If the Company is floated in London, as we are pretty certain it will be, we shall require a road either to Waratah or Corinna, as machinery will have to be brought up. At the present there is only a track. We are anxiously looking forward to the construction of the Rocky River Company's Railway, and believe it will be a direct assistance to us. We are within six or seven miles of the point where I believe the Rocky River Company intend to start their Tramway. It will be a great convenience and saving of expense to us if we can get machinery up from the Corinna side, as otherwise it will have to come all the way from Emu Bay. We are of course anxious to get as much cheap transit as we can. There are another seven sections adjoining that will also be floated into a company with a lot of capital, as the same indications as we have have been proved to exist in the other claims.

71. Then if this concession is granted to the Rocky River Company on consistent terms, you consider it will be of advantage to the district you are interested in, and also to the advantage of the district outside the Rocky River Company? Yes, it will be a very great advantage. There are two other large properties that will be served—the Specimen Reef Company and the Rio Tinto Company. Both these companies are floated and at work, and it will be much more advantageous to them to come out that way than to go the other. There are a good many sections besides taken up all round Long Plains by different people, who are only just waiting to see the result of our Company being floated; and who are anxious to commence operations. If the line is constructed it will lead to important operations all through the district.

72. *By Mr. Bird.*—Do you think there will be any serious engineering difficulties to encounter between your Long Plains property and the proposed terminus of this Company? I don't know that there would be; I go a great deal by what Mr. Gill told me. He told me that as soon as we heard the Company was floated we should be ready to have a road made, or some means of communication provided for getting machinery out to the ground. From what he told me I think we could easily join in making a tramway to connect with the Rocky River Company's tram, if they could not see their way to put a branch in to us.

Witness withdrew.

DAVID JONES, *recalled and examined.*

73. *By the Chairman.*—You have heard Mr. Butler's evidence: Do you think there would be any engineering difficulties to be encountered between Long Plains and the terminus of the proposed line of the Rocky River Company? No, the route would be quite practicable; distance, about 10 miles.

74. Do you think it would be practicable to connect by tram the Rio Tinto and other mines lying north of the Rocky River Company? It would be possible. There are parts there where it is very high, and we would have to come down again. The line could be continued from Rocky River to Long Plain. They would not make a separate line to the Pieman, but would connect with the Rocky River line. It would be only about five miles from the Rio Tinto, and from the Specimen Reef mine it would be from six to eight miles from Long Plains. It would be better to connect those mines with the Rocky River line instead of making a separate line.

75. *By Mr. Studholme* (by permission of the Committee).—You know the Rocky River lease? Yes.

76. And you say it is valuable? Yes.

77. You have had and tried stone taken from there? Yes, I have had private assays made of stone taken from the Rocky River. I selected samples of ore and had them assayed, part by myself and part by another assayer, and they corresponded, yielding from 9 to 11½ per cent. of copper. My friend was surprised to find them so good. I also had specimens of ore assayed from the same place, which yielded from 40 to 50 per cent. of nickel (siegynite), and also cobalt. I have some specimens of witherite, and also I can show a stone of magnetite containing gold. It is the first specimen I have seen with gold in magnetic iron. It is quite a unique specimen. I have seen nothing like it in Tasmania before; and when I say it was found in close proximity to the place where the largest nugget of gold ever found in Tasmania was obtained, it may be considered to be a rich district. These specimens were all found in the Rocky River.

Witness withdrew.

WILLIAM HENRY WALLACE, *called and examined.*

78. *By the Chairman.*—Your name? William Henry Wallace.

79. And you are Secretary for the Mines Department, Tasmania? Yes.

80. Have you read the Rocky River Company's Tramway Bill? Yes.

81. Do you think the construction of the proposed Railway under this Bill would be in the best interests of the district, and of the surrounding claims? Yes, I do.

82. Can you offer any suggestions as to any required amendments in the Bill, or have you thought it out at all? I have gone through it very carefully, and I think what is asked is very fair. There is nothing I can suggest in reference to it nor any amendment.

83. About the proposed grant of 15 acres of land for a terminus, and so on—would it be wise to grant that as it is proposed now, or should we not make restrictions as to mineral sections in the event of minerals being found on it? You might make restrictions in regard to minerals, if found. If it were an ordinary easement the Minister could grant a lease over it to work below a certain depth.

84. They ask for the land at the junction of the two rivers. Would the Committee be wise to make restrictions as to minerals? Certainly.

85. Can you give us any idea of the number of mineral sections applied for or held under lease from Long Plain to the Rocky River Company's Mine? No, not without looking it up; I can get it for you.

86. Well, in the vicinity of the Rocky River itself can you give us the number of claims taken up? No, I would have to get that too.

87. *By Mr. Lewis.*—As permanent head of the Mining Department, do you consider that the passing of this measure, would be in the interests of mining in Tasmania? Yes.

Witness withdrew.

CHARLES HENRY HALL, *examined.*

88. *By Mr. Lewis.*—You are a Member of Parliament for the District of Waratah, and reside at Burnie? Yes.

89. You have had many years' experience in mining business in the District? Yes.

90. Do you know the Rocky River district in particular? Yes.

91. Of course you have read the Bill? Yes.

92. Do you consider the construction of the Tramway which is proposed would be in the interests of the District? Well, from my own knowledge of the district, I think that unless a work like this is constructed the district must remain dormant, as it is impossible to develop the rich mineral deposits without a means of transit. I mean the District from Long Plain through to Corinna and the Meredith Range, and all round that country. I certainly think the construction of a Tramway will be the means of causing a very rapid development of the minerals in the district.

93. If a Tramway is not constructed do you think there is any likelihood of the colony being called on to construct Tramways, or to support lines of road to facilitate access to the District? I think not. Judging by my past experience, our present representatives seem quite indifferent to the importance of opening up this district. This is a source of great complaint, and capitalists refuse to provide money to develop the mine there. Take, for instance, the Rio Tinto; they had to suspend work lately simply because they could not get a pack track into the mine. The Specimen Reef mine is the same. They have expended £25,000, or more, and they can't get even a decent pack track. Then again you have the Long Plain Syndicate; they have expended some £3000, and there are other companies which have expended a large amount of money. Then take Weetman and Crockman's; they spent a lot of money, and had to abandon the mine owing to the expense of getting materials out, and provisions for the men. Then there are other ventures down there, such as the South Savage. That is three or four miles north of the Rocky River; they started some years ago, and although their prospects were very satisfactory, and even as observed by myself, they were very good, still, owing to the difficulty of getting material in, and the inaccessible nature of the place, the shareholders declined to pay further calls and the venture was abandoned. We have another company now, the Cape Copper Company, formerly known as the Heaps' and Simpson's. They started with £30,000 of capital, that is the subscribed sum and at credit, but the same difficulties have been encountered by them, and only yesterday I received a reply from the Lands Department to a proposition for the construction of a road, stating that the Government would give pound for pound up to £75. The new manager, on arriving at the mine, found it impossible to get either to Waratah or Corinna, and he made application for a road, but said rather than have the delay that must take place he advised the Company, and they were prepared to give pound for pound, or to subscribe £75 towards the road. Well, if this Rocky River Company carry out their scheme, it will enable the Cape Company, the Long Plain Company, and many other mines to at once get to work in a proper manner, knowing that when they have their ore ready they can get it to a market. The Rocky River Company have 2500 tons of ore lying at grass, and it is not worth a penny to the company because it cannot be got to market. This was not a line likely to interfere with the traffic of any Government Railway now, or with any Government work in the future, so that I certainly think it would be a great boon, and would open up one of the richest metalliferous districts in the Colony. They knew what had been done on the south side of the Pieman river, and the north side was equally as rich in minerals but it never had the same chance in the way of facilities of transit. I speak of the probable returns from it from a number of assays that I have had made from time to time. I suppose I have had over 500 assays of ore made, extending over various parts of the district, and all have been of the most satisfactory character, but the companies cannot do anything because they are thoroughly locked in. This tramway will be of the greatest value to the district and the Colony.

FREDERICK BACK, *called and examined.*

94. *By the Chairman.*—Your name is Frederick Back, and you are General Manager of Railways for Tasmania? Yes.

95. You have read this Bill? Yes.

96. Would you consider that this proposed line would interfere in any shape or form with any Government railway? No; I think not.

97. Then would you, as General Manager of Railways, recommend its construction? I see no objection, subject to some alterations in the Bill.

98. Could you make any suggestions or propose any alterations in the Bill? Yes; I will give you my notes. First, I would suggest that the Bill be submitted to the Solicitor-General, as all these Bills should be, in the first instance. You will probably find that a tramway is necessary to open up the Rocky River District; and, as a tramway, it would no doubt be of advantage to the district and the Colony. I find, in Clause 5, that the question of grades is omitted altogether. It would be desirable to decide the question of grades in the Bill, and the grades should not exceed 1 in 25, adhesive. I would also work it with vacuum brakes in that country. I would not insist upon it, but I would strongly recommend the proprietors to use a 40-pound rail. We find that to be the most economical. The next point is in reference to the weight on an axle. That is not mentioned in the Bill. If it had been given, I could have told you the weight of rail that should be adopted. If we want to get up 1 in 15 or 1 in 16, we have special appliances. There could then be no objection to the grade. In the interest of the Company I would recommend a 40-pound rail. The difference in cost is little, and it will be found more satisfactory. We then come to Clause 8; at the tenth line it says:—"Provided always, that the Company 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 the construction of such portion, and may commence the construction of any portion in respect of which such plans and sections have been deposited with the Minister and approved by him." It would be very desirable to define for how small a portion a plan may be submitted. Of course it is a short line, but this should be defined. In the case of the Great Western Railway it is five-mile sections: in this case, three-mile sections would perhaps be good. I think, in this, and in all cases, a plan of the line should be submitted at once. I mean a general and approximate

plan of the line, such as you would make on a map. If you have to send an officer up to inspect a proposed line you certainly want a plan. (Mr. Studholme, who was present, produced a plan, showing the approximate direction of the tramway.) Mr. Back continued:—Under the circumstances, I think this plan might be allowed to pass, but not to form a precedent in the case of larger lines. The weight on an axle should certainly be decided, but we might reserve that question, and let the company submit their maximum weight per axle, say for a 40-pound rail, which would probably be from 7 tons to 8 tons.

99. *By Mr. Bird.*—What weight per axle do you carry on the Zeehan-Dundas Tramway? Trucks weigh fourteen tons on four axles; but then, our rails are from 43 to 46-pound rails. I should say if plans and sections were submitted for every two miles it would do. I would treat this line much more leniently than a land-concession line. The next point is that the Company should defray the cost of inspection. In Clause 12, after the word "Tramway," in the fourth line, I should add "and shall make and maintain proper crossings, gates, and cattle-stops." In the 18th Clause it should be provided that the Company shall give the Government power to cross the line, where required, with any railway or tramway without payment of compensation: that is the usual practice. If the Government give the land for the line, and then want to cross it with one of their own lines, it would hardly be fair that they should have to pay. In Clause 19, the Company may have branch tramways for the purposes of their business, and for obtaining ballast, timber, and other materials; but while they may have this arrangement I think there should be some limit to the distance of these tramways. It is necessary that they should be able to get to their ballast-pits, but I recommend that you insert "not to exceed 40 chains without the consent of the Governor in Council"; that will give the Company all that they can possibly want. Clause 20 provides that "It shall be lawful for the Company to connect with any other tramways or railways of or belonging to any other persons, for the necessary purpose of the formation and working of the tramways of the Company, subject to such terms and conditions as may be mutually agreed upon between the Company and such persons." I suggest that there be added "subject to the approval of the Governor in Council." No power should be given to any company to make railways all over the country, excepting between specially defined points. Under Clause 24, giving power to construct works, is included the right to draw water from any stream or river in the vicinity of the tramway for the supply of locomotives and other purposes. The words "other purposes" should be "other tramway purposes." In another section of the same Clause the Company is empowered "to do all other acts necessary for making, maintaining, altering or repairing, and working the Tramway." The latter should be subject to the Minister's approval. Clause 27 provides that "After the completion of the Tramway hereinbefore authorised to be constructed, the Company may, with the consent of the Minister, make such alteration in the route thereof as the Company from time to time deems necessary, or construct and maintain such extensions, branch lines, and additional Tramways within a radius of Five miles of the said mining leases held by the Company as may from time to time be sanctioned by the Governor, and also such other extensions, branch lines, and additional Tramways to points beyond the said radius of Five miles as may from time to time be authorised by a resolution of both Houses of Parliament." That should only be done by an Act of Parliament.

100. *By Mr. Lewis.*—That would be a very expensive way of carrying out an extension. There would have to be a private Bill and the Company would have to deposit £100 to advertise, and be put to very great expense? In England promoters frequently spend as much as £250,000 over an Act of Parliament. It is my opinion if you don't do this you will have the same trouble about branch lines over and over again.

101. What is the difference between an Act and a Resolution? An Act is the law of the land. I should make it subject to an Act of Parliament. You could make it, except where a branch line is made, to connect with and carry ore from a mine. A mining easement would not give the right to make a branch, and to work such at charges.

102. There you have a mining district where there is one very rich mine, Heaps and Simpson's. They will want a branch; but if it wants an Act of Parliament it would cost a lot of money, and would require a certain amount of time? Take the trams in Hobart. They are authorised, with the consent of the Minister, to construct and work tramways within a five-miles radius. A Resolution of the House might be snatched to grant the right to a branch.

103. *By the Chairman.*—But it would want a Resolution of both Houses of Parliament? Well, it is a very dangerous precedent to permit the construction of new tramways outside a radius of five miles. It might be right, but it might mean a question of another tramway entering into competition with other lines which benefit the public. We have had enough trouble with syndicate lines already, and we don't want to open the door for further trouble. That is simply my opinion, and I would leave no loop-holes for trouble to occur.

104. We are now dealing with an Act for this particular Company. Why should we consider the expense to other companies? We have only to safeguard the interests of the Colony in respect of this Company? That is what I propose.

105. No, it is not a question of another company, it is this same company coming down and wanting to extend. Another company comes to it and says, you have your tramway and plant, you construct a branch to our mine and we will guarantee you the carriage of so much ore, and so on?

[Discussion took place, and *Mr. Bark* suggested recasting Clause 27, taking out the words "extensions" and "additional Tramways," making it to read "or construct and maintain such branch

lines within a radius of five miles of the said mining leases held by the Company as may from time to time be sanctioned by the Governor in Council," and to strike out the words "and also such other extensions, branch lines, and additional tramways to points beyond the said radius of five miles as may from time to time be authorised by a resolution of both Houses of Parliament, and all the powers and privileges conferred upon the Company by this Act with reference to the construction or maintenance or renewing or working of the Tramway referred to in Section Four shall be read and construed so as to include and have reference to any such alteration of route, or such extensions, branch lines or additional tramway, as aforesaid." that would give the Governor in Council power to enable them to construct a line to any point within the five-mile radius from their mine, as proposed by the Bill. In Part II., Clause 28, provision should be made that if the Company goes through leased lands compensation should be made. Part V. allows the Company to do various things—employ locomotives, carriages, and so on. I think all rolling-stock should be approved. It is very necessary that power should be given to approve. Clause 44 is as to rates and tolls. I think the rates should not exceed the rates in operation on the Government tramways; but it may be sufficient to provide that all rates shall be approved by the Governor in Council. In Part VI., Clause 48, the Company require powers for electric lighting, &c.: this should be made to apply only to their own premises. Under Part IX., as to by-laws: I think that, under Clause 77, all by-laws should be approved by the Governor in Council, and should be laid on the Table of the House within one month after the meeting of Parliament, as is usually done. As to publication, I should strike out the words "and at every station on the tramway," in Clause 79, because it would be found impracticable to do it on every small bush station. A case was lost not very long ago because no one could swear positively that the by-laws were posted on an out-station. We believe they were there, but no one could swear to it, and the case was lost. Part XI., Clause 86, says:—"It shall be lawful for the Company, with the approval of the Minister, to select and cause to be surveyed a block of Crown land, not exceeding an area of fifteen acres at or near the junction of the Whyte River with the Pieman River aforesaid, as a site for the terminus of the said tramway on the Pieman River aforesaid, and for the erection of such buildings as may be required by the Company at such terminus for the efficient working and maintenance of the tramway, and for such other purposes as the Company may require it." I should strike out the last line of the Clause. If the Company want land for smelters, for instance, they can get it from the Mines Department. Land should be given for the working of the railway, and that is all this Bill should grant. They may want land for twenty different things. I suggest to strike out the last line and stop at the words "maintenance of the tramway." I think that is all I would suggest, except that the Bill should be passed through the hands of the Law Officers of the Crown. I have no objection to the Bill, as the railway is only for the working of mines.]

106. *By Mr. Lewis.*—What is your steepest grade on the North-East Dundas Tramway? I in 25.

107. And what is the weight per axle that you carry? Our line will carry eight tons on an axle. The weight of the rails is 43 to 46 pounds. We use the latter on the steep inclines. The reason of the two weights is that the rails are second-hand, having been taken out of other lines. The wisdom and economy of having these heavy rails is showing every day.

Witness withdrew.

[63 VICT.]

Rocky River Tramway.

I

As amended by the Select Committee.

A

B I L L

TO

Authorise “The *Rocky River Mining Company, No Liability*,” to construct, maintain, and work a Tramway from the *Rocky River* to the *Pieman River*, and for other purposes. A.D 1899.

WHEREAS “The *Rocky River Mining Company, No Liability*,” a company duly registered in the Colony of *Victoria*, and having an Agent and Office duly registered in *Tasmania* under the provisions of “The Mining Companies (Foreign) Act” is willing, and it is expedient, that the said Company should be authorised to construct, maintain, and work the Tramways hereinafter mentioned : PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, 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 *Rocky River* Tramway Act, 1899.” Short title.

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 : Interpretation.

“Crown Lands” or “Crown Land” shall mean any lands in the Colony which are or may become vested in the Crown, and have not been and are not dedicated to some public

[*Private.*]

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

A.D. 1899.

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 :

“The Company” shall mean “The *Rocky River Mining Company, No Liability*,” and shall include the assigns of the Company :

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

“The Governor” shall mean the Governor in Council :

“Leased land” or “Land previously leased” shall mean land 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 the time being :

“The *Gazette*” shall mean the *Hobart Gazette* :

“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 any extension or branch line or additional 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.

Part II.—Acquisition of Land.

Part III.—Prior Leases.

Part IV.—Compensation.

Part V.—Levy and recovery of Tolls and Fares, &c.

Part VI.—Telegraphs and Telephones.

Part VII.—Purchase of Tramway.

Part VIII.—Power to assign or mortgage.

Part IX.—By-Laws.

Part X.—Forfeiture of Tramway.

Part XI.—Miscellaneous.

PART I.

CONSTRUCTION AND MAINTENANCE OF TRAMWAY.

Power to construct Tramway.

4 It shall be lawful for the Company, subject to the provisions of this Act, to construct, maintain, and work a Tramway from a point in or near the mining leases in the vicinity of the *Rocky River*, in *Tasmania*, held by the Company, to a point at or near the junction of the *Whyte River* with the *Pieman River*, in *Tasmania*, along such route as shall be approved by the Minister under the provisions of this Act, with all 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,

not exceeding One chain in width, through which such route shall pass as may be required for the construction and working of such Tramway, and also such additional area of Crown land or private land or of any such reserve for all stations, sidings, crossings, side-cuttings, cuttings, embankments, spoil-banks, and ballast and other conveniences in connection with the Tramway as may be proper or necessary for carrying out the objects of this Act or any of them. A.D. 1899.

Provided also, that the right hereby conferred upon the Company to take and use Crown land and any road, street, or reserve for the construction and maintenance of the Tramway shall not be deemed to give the Company 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 said mining leases held by the Company in the vicinity of the *Rocky River* aforesaid to a terminus to be approved by the Minister at or near the junction of the *Whyte River* with the *Pieman River* aforesaid, and shall have a gauge of not less than Two feet, with curves of a radius of not less than One and one-half chains, and rails of not less than Twenty-eight pounds to the yard (and adhesive grades not steeper than One in Twenty-five). Length, gauge, &c., of Tramway.

6 The Tramway may be so constructed that the locomotives, carriages, and other rolling stock used thereon may be used and worked thereon with the assistance of a rack, or third rail, in the manner adopted in the construction and working of railways or tramways in accordance with the systems respectively known as the *Abt* and *Fell* systems, or other like system. "Abt" and "Fell" system may be used.

7 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, (with a load of not less than Three tons upon each axle of every vehicle,) and shall be maintained and worked by the Company 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.

8 Before the Company shall commence to construct the Tramway it 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 or streets 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 Company 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 the construction of such portion, and may commence the construction of any portion in respect of which such plans and sections have been deposited with the Minister and approved by him: 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 Company shall construct the Tramway in accordance with the plans, sections, and specifications so deposited Before commencing to construct Tramway, Company to deposit plans with the Minister.

*(not less than Two miles)

A.D. 1899.

with the Minister and thereafter approved of by him, with such alterations therein as he may have approved or required to be made.

Company may make alterations in plans.

9 The Company 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.

Tramway may be inspected during construction.

10 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 Company 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 Company 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 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 Company, but such cost shall not exceed the sum of One hundred Pounds in any one year.

Commencement and completion of Tramway.

11 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 may see fit to allow.

Power to break up roads.

12 Subject to the provisions of this Act, the Company 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, (and shall make and maintain proper crossings, gates, and cattle-guards).



Penalty for injuring any road or street.

13 The Tramway shall, as 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 Company, 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 Company for securing due compliance by it with the provisions hereof as such Commissioner may deem necessary. In default of compliance with such order, the Company 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*. A.D. 1899.

14 The Company shall from time to time make good, repair, and amend all damage which may be done by it to or upon any public road or street in, through, over, or along which the Tramway is constructed ; and in case of its refusal or neglect so to do after reasonable notice given, and upon such repairs or amendments being effected by or on behalf of the person in whom the said public road or street is vested, 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 in the next preceding Section. The Company to repair damages.

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

16 If in the exercise of the powers hereby granted it be found necessary to crosscut through, raise, sink, or use any part of any road, whether public or private, so as to render it impassable for or dangerous to, or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the Company shall, before operations are commenced, cause a sufficient road to be made instead of the road to be interfered with, and shall at 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. Before roads interfered with others to be substituted.

17 It shall be lawful for the Company, with the consent of the Minister, to make and use cattle-guards in any place where the Tramway crosses any public road or street ; and such cattle-guards shall be so made and maintained as to effectually prevent the straying of horses, cattle, sheep, or other animals from such street or road to the Tramway ; and the Company shall, if the Minister shall so direct, make and maintain cattle-guards in any place where the Tramway crosses any public road or street. Cattle-guards may be used.

18 Nothing in this Act contained shall be construed to prevent the construction of any [public] road across the Tramway at any point directed by the Minister upon payment of proper compensation for any interference with the works of the Company, which compensation in case of dispute shall be settled by arbitration in the manner prescribed by *The Lands Clauses Act* in cases of disputed compensation, (but the Minister may construct any public road across the Tramway without paying any compensation for any interference with the Tramway or the working thereof, or with the works of the Company). Minister may authorise construction of public road across Tramway.

19 The Company may construct, maintain, and work, in accordance with the provisions of this Act, any lines of Tramway (not exceeding Forty chains in length) from and forming a junction with the lines hereby authorised along or across any road, for the purpose of entering, leaving, or using any stables, sheds, or other business premises which the Company may from time to time use in connection with Company may make Tramways for the purpose of entering stables or sheds.

A.D. 1899.

their business, or for the purposes of obtaining ballast, timber, or other materials.

Rights to connect
with other
Tramways or
Railways.



20 It shall be lawful for the Company, [to connect with]* any other Tramways or Railways of or belonging to any other persons, [for the necessary purpose of the formation and working of] (to junction with) the Tramways of the Company, subject to such terms and conditions as may be mutually agreed upon between the Company and such persons.

* (with the approval of the Governor, to permit)

Tramway to be
kept in proper
repair.



21 After the Tramway is completed, the Company shall properly and efficiently maintain the Tramway (and the rolling-stock thereof); and the Minister may from time to time appoint one or more officers to inspect the Tramway (and the rolling-stock thereof,) 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 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 Company to make such repairs to the Tramway as may be necessary to ensure the efficient maintenance of the Tramway in accordance with the provisions of this Act, (and to make such additions to the rolling-stock thereof as may be necessary to carry such passengers, materials, and goods as may be offered for carriage on the Tramway, and to provide such automatic brakes upon the rolling-stock as may in his opinion be necessary to ensure the safety of the passengers travelling thereon,) and the Company shall, within such time as the Minister shall require, make all such repairs to the Tramway (and additions to the rolling-stock thereof) as the Minister shall so require as aforesaid; and in default of the Company carrying out such repairs (and additions) as aforesaid they shall be liable to a penalty not exceeding Five 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. The cost of such inspection as aforesaid shall be paid by the Company, but such cost shall not exceed the sum of One hundred Pounds in any One year.

Materials from
private land.

22 The Company, for the purpose of constructing, repairing, working, and maintaining the Tramway may, after Seven days' notice 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, carry away, and use clay, stone, or other material, and may place and deposit upon such land any materials, waste, or spoil; Provided, 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, and such compensation shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Materials from
Crown Lands.

23 The Company may from time to time, for the purposes of this Act, fell timber and use and carry away the same, and dig, quarry, carry away, and use clay, 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 Company it may be necessary to remove for the safe working of the tramway: Provided, that full compensation shall, in the case of leased land, be made to the lessee for the damage

Compensation.

[63 VICT.]

Rocky River Tramway.

7

done under this Section, and such compensation shall be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation. A.D. 1899.

24 Subject to the provisions of this Act, it shall be lawful for the Company, 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 :

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 :

To construct at or near the terminus of the Tramway on the *Pieman River* such wharves, piers, or docks as shall be approved by the Minister (and such Marine Board or other authority having jurisdiction over the *Pieman River*) :



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 :

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 :

To draw water from any stream or river in the vicinity of the Tramway for the supply of locomotives and other (Tramway) purposes :



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

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 :

Provided, that in the exercise of the above-named powers the Company 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.

25 Before the Company shall use any fenced or otherwise enclosed lands for any of the purposes aforesaid, it 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 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 lands and the Company as to the proper kinds of fences and gates or cattle-guards to be erected, the Company shall erect such fences and gates or cattle-guards as the Commissioner 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.

Company to separate the lands before using them.

26 In case of accidents or slips happening, or being apprehended to the cuttings, embankments, or other works of the Tramway, it

Power to enter upon adjoining lands to repair

A.D. 1899.

accidents, subject
to certain
restrictions.

shall be lawful for the Company and its 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 Company 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 Minister shall, after considering the said report, certify that their exercise is not necessary for 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 respectively by reason of such works, the amount of which compensation in case of any dispute about the same, shall be settled by arbitration in the mode prescribed by *The Lands Clauses 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 taken for the purpose of making the Tramway.

Company may
extend Tramways,
and make new
Tramways.

27 After the completion of the Tramway hereinbefore authorised to be constructed, the Company may, with the consent of the [Minister,] (Governor,) make such alteration in the route thereof as the Company from time to time deems necessary, [or] (and may) construct and maintain such extensions, branch lines, and additional Tramways (to termini) within a radius of Five miles of [the said mining leases held by the Company] (the Tramway) as may from time to time [be sanctioned by the Governor, and also such other extensions, branch lines, and additional Tramways to points beyond the said radius of Five miles as may from time to time] be authorised by a resolution of both Houses of Parliament ; and all the powers and privileges conferred upon the Company by this Act with reference to the construction or maintenance or renewing or working of the Tramway referred to in Section Four shall be read and construed so as to include and have reference to any such alteration of route, or such extensions, branch lines, or additional Tramways as aforesaid.

PART II.

ACQUISITION OF LAND.

Power to purchase
land.

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

*The Lands
Clauses Act*
incorporated.
21 Vict. No. 11.

29 For the purpose of enabling the Company 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*.

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

PART III.

A.D. 1899.

PRIOR LEASES.

30 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: 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 Company, nor in such a way as to endanger or inconvenience the working of the Tramway.

Protection to rights of lessees.

Should any dispute arise between any persons under this Section the same shall be decided by the Commissioner with Two Assessors, One Assessor to be appointed by each party to the dispute, who, or a majority of whom 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.

Settlement of disputes.

31 Where the Tramway passes over leased land, then the Company 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.

Notice of intention to make Tramway.

32 The Company 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 Company may enter after notice.

33 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.

34 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 Company such compensation (if any) as shall be determined by agreement between the lessee and the Company; and if such compensation shall not be fixed by agreement within Three months after the service of the notice mentioned in Section *Thirty-one*, 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, and the decision of the majority 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, either before or after the passing of this Act shall have been or shall hereafter be surveyed for the purposes of such line of Tramway, if such application or occupation shall have been made or taken place during or after such survey.

35 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 [Private.]

Compensation how estimated.

A.D. 1899.

lessee by reason of the severing of the lands occupied by the Company 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 Company by this Act. The Commissioner and Assessors shall not be bound to award any sum for damage unless in their opinion substantial damage shall have been sustained.

Commissioner
may exercise
power conferred
on Justices.

19 Vict. No. 8.

36 In case of non-payment of any sum of money awarded under Part III. of this Act within such period as shall 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*.

Power to enforce
attendance of
witnesses.

19 Vict. No. 8.

37 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 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 under the said Act.

PART IV.

COMPENSATION.

Compensation
how determined.

21 Vict. No. 11.

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

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

39 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 assessors or the arbitrators or umpire shall take into consideration the benefit that is 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 assessors 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; and in case it appears to the Commissioner or assessors 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, assessors, arbitrators, or umpire shall award that 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.

40 In any case where land or material is required for the purposes of such Tramway, if the Company, before any steps are taken under this Act or any Act incorporated herewith, tender to the person

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 or transfer 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 assessors or arbitrators or umpire reward 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. A.D. 1899.

41 If either party is dissatisfied with the award of the commissioner, assessors, arbitrators, or the umpire appointed to determine the amount of compensation to be paid to any person whose interests are affected by the exercise of any of the powers conferred upon the Company by this Act, and the amount of compensation awarded by the commissioner, assessors, arbitrators, or umpire exceeds One hundred Pounds, the dissatisfied party may appeal in the manner provided in Section from the award of the commissioner, assessors, arbitrators, or the umpire to a Judge of the Supreme Court, and the amount of the compensation in every such case shall thereupon be fixed by a Judge of the Supreme Court in the manner provided in such Section. Dissatisfied party may appeal to a Judge of the Supreme Court.

42 Where the Company gives notice of its intention to take land for any of the purposes of this Act, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Company deems it inexpedient to pay the amount of compensation so determined, it may, within Twenty one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all the costs of reference and award. If compensation excessive, Company may give up land.

PART V.


LEVY AND RECOVERY OF TOLLS AND FARES, &c.]

43 It shall be lawful for the Company, subject as aforesaid, to use and employ locomotive or stationary 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, live stock, and goods, as shall be offered for that purpose, and to make and to sue for such charges in respect thereof as hereinafter specified. Authority to employ locomotive engines, carriages, and other locomotive powers, &c.

44 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, 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: Provided that all such tolls, rates, fares, and charges shall at all times be subject to be altered and amended by the Governor. Rates and tolls.

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

45 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 Company to detain the goods, merchandise, live stock, chattels, Rates and tolls may be recovered.

 (and for wharfage.)

A.D. 1899. 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.

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

46 Nothing in this Act contained shall extend to charge or make liable the Company 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 Company 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.


Penalty for bringing dangerous goods on the Tramway.

47 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 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 book-keeper or other 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 Two Pounds nor more than Twenty 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.

PART VI.

TELEGRAPHS AND TELEPHONES.

Company may construct Telegraphs, &c.

 * (for the mines, Tramway, or other works of the Company.)

48 The Company may construct, maintain, and work, and use for its own business or profit 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 Company, when required; and, subject to the use of such lines of Telegraph and Telephones by the Company, and to the priority (if claimed) of Government messages, such lines of Telegraph and Telephones shall be open for receiving and sending messages by all persons, without preference or favour, and at the same rates as those charged for like messages on Government lines of Telegraph and Telephones.

Government may affix wires.

49 The Government may affix telegraphic and telephonic wires upon any posts erected by the Company 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 VII.

PURCHASE OF TRAMWAY.

Minister may purchase Tramway.

50 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, or earlier if the Company shall so agree, upon giving Six months' notice to the Company, to purchase, for and on behalf of Her Majesty —

- A.D. 1899.**
- 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 as may have been purchased or acquired, or held, or used by the Company 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 Company or any person claiming by, through, or under the same by or under this Act.

51 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. Defrayment of cost of purchase

52 The Tramways, and all the right, title, and interest of the Company and of any person or persons claiming by, through, or under the Company 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 Company 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 Company or any other person whomsoever in all respects in the same manner as the Company or such person or persons could have held, possessed, enjoyed, used, and exercised the same. The undertaking of the Company vested in Minister upon payment of the purchase money.

53 If the Minister and the Company 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 Company ; or, failing such agreement, the reference shall be made in the manner hereinafter provided. In case of difference, amount of purchase money to be settled by arbitration.

54 If the Minister and the Company 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 Company. How Arbitrators to be appointed.

55 If the Company fail or refuse to appoint such arbitrator within Fourteen days after being thereunto requested in writing by the Minister, then the Governor 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 Company. Appointment by Governor.

56 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 Company, as the case may be, shall appoint an arbitrator in his place. Appointment of Arbitrators to supply vacancies.

A.D. 1899.

Appointment of
Arbitrators by
Governor to
supply vacancies.

57 If the Company 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 may appoint an arbitrator; and the arbitrator so appointed by the Governor shall, for the purposes of this Act, be deemed to be appointed by the Company.

Appointment of
Arbitrator not
revocable.

58 When any appointment of an arbitrator is made, the Minister or the Company shall have no power to revoke the appointment without the previous consent in writing of the Company or the Minister, as the case may be.

Appointment of
umpire by
arbitrators.

59 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.

60 If the arbitrators do not appoint an umpire within Twenty-one days after the reference is made to the arbitrators, then the Governor 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.

61 Upon any reference being made to arbitrators under this Act, if 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.

Appointment of
umpire by
Governor to
supply vacancy.

62 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 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.

Succeeding
arbitrators and
umpires to have
power of
predecessors.

63 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.

64 If the arbitrators do not, within such a time as the Minister and the Company 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.

65 The arbitrators and the umpire respectively may call for the production of any documents or evidence in the possession or power of the Minister or the Company, or which the Minister or the Company 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.

Procedure in the
arbitration.

66 If the Minister and the Company 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.

67 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 delivered to the Minister and the Company 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 Company.

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Award made in due time to bind all parties.

68 Except where and as the Minister and the Company otherwise agree, the arbitrators or the umpire from time to time, by writing under their or his hand, may extend the period 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.

Power to extend period for making award.

69 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.

70 Except where and as the Minister and the Company 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.

71 If either the Minister or the Company should be dissatisfied with the award of the arbitrators or the umpire appointed to determine the amount of purchase money to be paid by the Minister to the Company under this Part of this Act, the dissatisfied party may appeal as hereinafter provided from the award of the arbitrators or the umpire to a Judge of the Supreme Court, and the amount of the purchase money shall thereupon be fixed by a Judge of the Supreme Court in the manner hereinafter provided.

Dissatisfied party may appeal to a Judge of the Supreme Court.

72 If the dissatisfied party desires to appeal from the award of the arbitrators or umpire, he shall, within Fourteen days after the delivery to him of such award or a copy thereof, give notice in writing to the other party of his intention to appeal, and shall, within One month after the service of such notice upon the opposite party, prosecute such appeal in accordance with the Rules made by the Judges for conducting appeals under "The Main Line Railway Amendment Act, No. 2," so far as such Rules are applicable, and the amount of compensation to be paid in any such case shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as he sees fit to impose; and the Judge may also in his discretion make an Order as to the party by whom the costs of the appeal shall be borne: Provided, that a Judge of the Supreme Court may, upon what he shall deem sufficient cause, allow an appeal to be prosecuted after the expiration of the time hereinbefore allowed for that purpose; but no appeal shall be allowed after the expiration of Three months after the service of notice of intention to appeal: Provided also, that where the party dissatisfied with the award gives notice to the other party as aforesaid, then such award shall not be made a Rule of Court until the Judge by an Order in writing under his hand determines the matter in dispute.

Procedure upon appeal.

A.D. 1899.

PART VIII.

POWER TO ASSIGN OR MORTGAGE.

Power to assign
and transfer
rights, &c.

73. It shall be lawful for the Company or its 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 Company, and shall have all the liabilities, rights, powers, privileges, benefits, concessions, and advantages conferred upon the Company 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 Company by this Act.

Company may
raise money by
mortgage.

74. Subject to the provisions of this Act, the Company 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, for the purpose of securing the payment of any sum or sums of money borrowed or raised by the Company 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 Company may deem expedient.

Company may
let tolls, &c.

75. It shall be lawful for the Company 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 Company; 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 Company, 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.

Company may
make arrange-
ments for use by
others of
Tramway.

76. The Company 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 use, and all incidental matters.

PART IX.

BY-LAWS.

By-laws.

77. It shall be lawful for the Company from time to time to make such By-laws for regulating its 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, live stock, 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 Company 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 Company; and, if affecting other persons than their own officers and servants, shall be subject to the approval of the Governor, and be published as hereinafter is provided. A.D. 1899.

78 The Company, by the By-laws so to be made by them, may, subject to the approval of the Governor, impose such reasonable penalties as they may think fit, not exceeding Ten Pounds, for each breach of such By-laws or any of them. By-laws may be enforced by penalties.

79 All such By-laws relating to persons other than the officers and servants employed upon the Tramway, not being tables of the rates and charges for the conveyance of passengers, live stock, goods, and other things thereon, shall be published in the *Gazette* (and 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); and all such By-laws shall be printed in legible letters and exhibited in some conspicuous place in the principal office of the Company, [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 reasonable time, he shall for every such offence be liable to a penalty not exceeding Five Pounds. By-laws to be published.

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

81 The production of the copy of the said By-laws purporting to have been made as aforesaid shall, in all proceedings against the officers and servants of the Company, be accepted as proof thereof in any Court of Law or Equity. And the production of a copy of the *Gazette* purporting to contain any By-laws shall, in all Courts of Justice and in all legal proceedings whatsoever, be accepted as *prima facie* evidence of such By-laws, and that all the provisions of this Act with regard thereto have been fully complied with. Proof of By-law.

PART X.

FORFEITURE OF TRAMWAY.

82 If the Company shall be guilty without reasonable cause of any breach of any of the provisions of this Act, and such breach shall continue after reasonable notice shall have been given by the Governor to the Company to put an end to or remedy the same, the Attorney-General may, when and so often as any such breaches may happen, apply to the Supreme Court for a Rule calling upon the Company to show cause, on a day to be mentioned in such Rule, why the Company should not be prohibited from proceeding further with the construction of the Tramway, or from continuing to work the same upon such grounds as may be set forth in such Rule; and such Rule may be served upon the Company either by delivering the same to the Agent of the Com- If the Company guilty of breaches of Act the Attorney-General may move Supreme Court to prohibit further proceedings.

[*Private.*]

A.D. 1899.

Supreme Court
may prohibit
further proceed-
ings, or may
order payment of
a sum of money
by the Company.

pany in *Tasmania* personally, or by leaving the same at the Registered Office of the Company in *Tasmania*.

83 If on the hearing of such Rule the Court shall be satisfied, either by affidavit or otherwise, that the Company has been guilty, without reasonable cause, of any of the breaches of the provisions of this Act set forth in the said Rule, and that any such breach has continued after such reasonable notice as is mentioned in the immediately preceding Section has been given, the said Court may, and is hereby authorised and empowered to prohibit the Company from proceeding further with the construction of the Tramway, or continuing to work the same.

Provided, that the Court, upon the hearing of any such Rule, may, if it shall consider that the justice of the case would be met by so doing, order the Company to pay to the Treasurer such a sum of money as the said Court may consider reasonable by way of penalty for the breach of any of the provisions of this Act; and the said Court may also make such order as to the costs of the proceedings as it may think fit; and any order so to be made for the payment of any sum of money or costs as aforesaid may be enforced in the same manner as may for the time being be provided for the enforcement of decrees and orders of the said Court in its equitable jurisdiction.

Court may
adjourn the hear-
ing, and may
grant time to fill
affidavits;

and may order
issues to be tried
by a jury.

84 The said Court may from time to time adjourn the hearing of any such Rule to show cause as aforesaid, and may give to the Company such time as to the Court may seem reasonable for the purpose of enabling the Company to file such affidavits as may be considered necessary in opposition to the ground set forth in the said Rule, and any affidavits that may have been filed in support thereof, and may also allow further time to the Attorney-General to file any affidavits in reply as to the Court may seem expedient; and the said Court may also, if it shall see fit, direct the truth of the grounds set forth in the said Rule to be decided otherwise than by affidavit, and for that purpose may direct One or more issue or issues to be tried by a Jury in the like manner as issues directed by the Court in its equitable jurisdiction are tried.

Rights to be
forfeited.

85 In the event of the Company being prohibited by a Rule of the Supreme Court from proceeding further with the construction of the Tramway, or from continuing to work the same as hereinbefore provided, the Company shall lose and forfeit all rights, powers, and privileges conferred by this Act.

PART XI.

MISCELLANEOUS.

Company may
select site for
terminus at
Pieman River.



86 It shall be lawful for the Company, with the approval of the Minister, to select and cause to be surveyed a block of Crown Land, not exceeding an area of [Fifteen] (Ten) acres at or near the junction of the *Whyte River* with the *Pieman River* aforesaid, as a site for the terminus of the said Tramway on the *Pieman River* aforesaid, and for the erection of such buildings as may be required by the Company at such terminus for the efficient working and maintenance of the Tramway, and for such other purposes as the Company may require it.

87 Within Six months after the passing of this Act, the Company shall deposit with the Minister a proper plan of such block of Crown Land as shall have been selected and surveyed as hereinbefore provided, for use as the site of the terminus of the said Tramway at the *Pieman* River aforesaid, and such plan shall be certified by an authorised surveyor, and shall be retained by the Minister with the working plan and sections of the Tramway.

A.D. 1899.

Plan of site to be deposited with Minister.

88 The Company shall be entitled to the exclusive occupation and use of such block of Crown Land as aforesaid as soon as the same shall have been surveyed, and thereafter so long as the Tramway is in course of construction or is being maintained and worked in accordance with the provisions of this Act.

The Company to have exclusive occupation of site selected.

89 If the Company shall properly construct the Tramway, and shall maintain and work the same for a period of Three years, in accordance with the provisions of this Act, it shall be lawful for the Governor, in the name and on behalf of Her Majesty, to grant the said block of land to the Company to hold the same in fee simple (reserving for the use of Her Majesty a royalty upon all gold and minerals obtained therefrom at the rate of Two-and-a-half per centum of the gross value thereof on the ground): Provided always, that if the Company shall, at any time before the Tramway shall have been maintained and worked for a period of Three years as aforesaid, be prohibited by the Supreme Court as hereinbefore provided from proceeding further in the construction of the Tramway, or from continuing to work the same on account of any breach of any of the provisions of this Act, the Company shall cease to have any right or title to the occupation or use of such block of Crown Land as aforesaid, and all buildings and erections thereon shall thereupon become the property of the Crown.

Company may obtain grant of site.



90 Every person who shall wilfully or maliciously commit or cause any injury to any part of the Tramway, or to any engine or carriage or truck belonging to the Company and used on or in connection with the Tramway, or who shall commit or cause any injury to any building or shed or other erection, or to any machinery or tool or appliance belonging to the Company and used in connection with the Tramway, or who shall throw any stones, gravel, earth, timber, or any other material or rubbish on any part of the Tramway, or who shall drive, or cause or allow to be driven, any animal on any portion of the Tramway where the same is fenced on both sides, or does any other act which obstructs the working of the Tramway, or endangers any engine or carriage or truck, or person riding therein; and every person who shall attempt to commit any of the acts or offences aforesaid shall, upon conviction, be liable to forfeit and pay for every such act or offence a penalty not exceeding Fifty Pounds, or to be imprisoned for any term not exceeding Six months, and to pay such sum as the Court or the convicting Justices may assess as the amount of damage done to any property of the Company by the committal of the offence.

Penalty for injury to Tramway, &c.

91 If any person shall wilfully interfere with, move, injure, or damage any poles, stakes, marks, or instruments used by the Company or its agents, servants, or workmen, for the purpose of surveying or marking out the line of the Tramway or otherwise in connection therewith; 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 ways, or to or upon any other works of or belonging to the Company, such person shall for every such offence forfeit and pay to the Company

Penalty for damage to instruments, Tramway, &c.

A.D. 1899.

a sum not exceeding Twenty Pounds over and above the damages occasioned thereto.

Penalty on persons omitting to fasten gates.

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

Company may purchase other Tramways to form part of their Tramway.

93 If the Company shall at any time purchase any line or any portion of any line of Tramway and convert the same into a portion of the Tramway which the Company is by this Act authorised to construct as aforesaid, the line or portion of line of Tramway so purchased and converted by the Company as aforesaid shall be deemed to have been constructed by the Company under the authority of this Act, and to be a portion of the Tramway which the Company is by this Act authorised to construct, and shall be subject to all the provisions of this Act.

All disputes referred to arbitration.

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

Offences to be dealt with summarily.

95 All offences against this Act or any By-law made in pursuance of this Act 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 any such By-law shall be paid to the Company.

19 Vict. No. 8.

Appeal.

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

19 Vict. No. 10.

Deposit.

96 The Company shall, within Six months after the passing of this 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 Company shall be entitled to the interest on such deposit of 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 Company as soon as the Minister shall report to him that the said Tramway referred to in Section Four has been constructed in accordance with the provisions of this Act, and shall do every act reasonably required to enable the Company to obtain payment of the said deposit.

If the Tramway referred to in Section Four shall not be so commenced or constructed within the time mentioned in this Act, the said sum of Three 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.

In the event of the said sum of Three hundred Pounds not being deposited as hereinbefore mentioned, all rights, powers, privileges, and concessions conferred upon the Company by this Acts hall be absolutely void and of no effect.