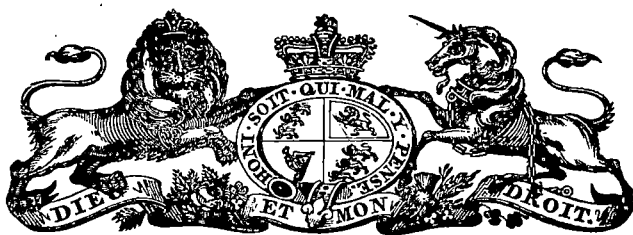


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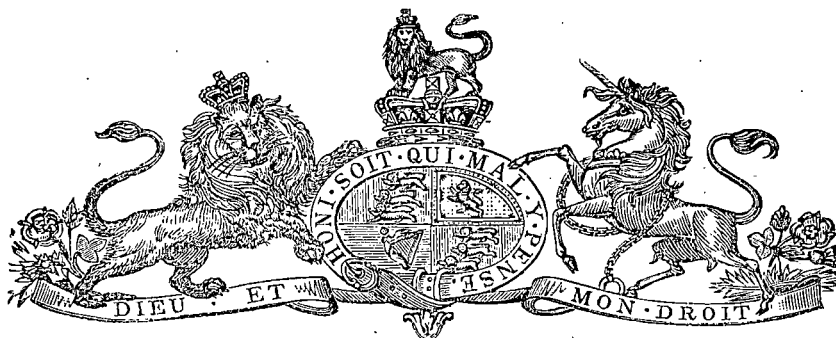
PARLIAMENT OF TASMANIA.

THE NORTH MOUNT LYELL MINING AND
RAILWAY BILL, 1901, (PRIVATE) :

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

Brought up by Mr. Urquhart, September 27, 1901, and ordered by the House of
Assembly to be printed.

Cost of printing—£52 16s. 6d.



SELECT COMMITTEE appointed on the 21st day of August, 1901, to consider and report upon "The North Mount Lyell Mining and Railway Bill, 1901," (Private).

MEMBERS OF THE COMMITTEE.

MR. MINISTER OF LANDS AND WORKS.
MR. GAFFNEY.
MR. HALL.
MR. SADLER.

MR. W. H. T. BROWN.
MR. PATTERSON.
MR. URQUHART. (*Mover.*)

DAYS OF MEETING.

Wednesday, August 28; Thursday, August 29; Friday, August 30; Wednesday, September 4; Thursday, September 5; Wednesday, September 11; Thursday, September 12; Friday, September 13; Wednesday, September 18; Friday, September 20; Friday, September 27.

WITNESSES EXAMINED.

Mr. Lamartine Cavaignac Trent, General Manager of the North Mount Lyell Copper Company, Limited; Mr. John Frederick Anderson, a Director of the North Mount Lyell Copper Company, Limited; Mr. Robert Carl Sticht, General Manager of the Mount Lyell Mining Company; Mr. John Macneill M'Cormick, Engineer-in-Chief, Tasmania; Mr. Edward Albert Counsel, Surveyor-General; Mr. William Henry Wallace, Secretary for Mines.

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, subject to certain amendments, which the Committee recommend.

Your Committee, having agreed that the Preamble, as amended, should stand part of the Bill, then entered into consideration of the several Clauses, and have the honour to recommend certain further amendments and additions.

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

D. C. URQUHART, *Chairman,*

*Committee Room, House of Assembly,
27th September, 1901,*

MINUTES OF PROCEEDINGS.

WEDNESDAY, AUGUST 28, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Urquhart, Mr. Hall, Mr. W. H. T. Brown, Mr. Gaffney, Mr. Patterson, and Mr. Minister of Lands and Works.

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

Mr. Urquhart was appointed Chairman.

The Committee deliberated.

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

Resolved, That Mr. Frank Morton be Shorthand Writer to the Committee (Mr. Patterson).

The Chairman read a letter, dated 22nd August, 1901, from Messrs. Butler, McIntyre, and Butler, requesting to be heard before the Committee, against the Bill, on behalf of the Mount Lyell Company. (Appendix B.)

Ordered, That Messrs. Butler, McIntyre, and Butler be directed to present a Petition to the House of Assembly, praying for leave to be heard before the Committee, against the Bill (Mr. Hall).

Ordered, That the Petitioners for the Bill be heard by counsel.

Mr. M. D. Simmons accordingly appeared, and addressed the Committee on behalf of the North Mount Lyell Copper Company, Limited.

Mr. Simmons concluded his address.

Ordered, That Captain Anderson and Mr. L. C. Trent be summoned to give evidence at 11 o'clock to-morrow.

At 1 o'clock the Committee adjourned till 11 o'clock to-morrow.

THURSDAY, AUGUST 29, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Hall, Mr. Patterson, Mr. W. H. T. Brown, Mr. Gaffney, Mr. Sadler, and Mr. Minister of Lands and Works.

In the temporary absence of the Chairman, Mr. Mulcahy took the Chair.

The Minutes of the last Meeting were read and confirmed.

Mr. Urquhart took the Chair.

The Chairman laid upon the Table the Petition of the Mount Lyell Mining and Railway Company, Limited, against the Bill referred to the Committee by the House of Assembly. (Appendix C.)

Resolved, That counsel be permitted to be present, and be heard on behalf of the Petitioners against the Bill (Mr. W. H. T. Brown).

Mr. R. E. Macnaghten, instructed by Messrs. Butler, McIntyre, and Butler, appeared before the Committee on behalf of the Mount Lyell Company, Petitioners against the Bill.

Mr. Lamartine Cavaignac Trent, General Manager of the North Mount Lyell Copper Company, was called and examined.

Mr. Trent put in the following Papers:—

1. Tracing showing smelters area applied for by the North Mount Lyell Copper Company, Limited, with position of branch railway.

2. Diagram, from actual survey, County of Franklin, vicinity of Kelly Basin.

At 1 o'clock the Committee adjourned till 2:30 this afternoon.

The Committee met again at 2:30 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Gaffney, Mr. Minister of Lands and Works, Mr W. H. T. Brown, and Mr. Sadler.

The examination of Mr. Trent was continued.

The examination of Mr. Trent was concluded.

Mr. John Frederick Anderson, a Director of the North Mount Lyell Copper Company, was called and examined.

At 3:50 o'clock the Committee adjourned till 11 o'clock to-morrow.

FRIDAY, AUGUST 30, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, and Mr. Sadler.

The examination of Mr. Anderson was continued.

Mr. Patterson and Mr. Gaffney took their seats.

The examination of Mr. Anderson was concluded.

The Minutes of the last Meeting were read and confirmed.

Ordered, That the following witnesses be summoned to give evidence before the Committee on Wednesday, 4th August, Mr. Robert C. Sticht, General Manager, Mount Lyell Mining Company, for 11 o'clock; Mr. J. M. McCormick, Engineer-in-Chief, and Mr. E. A. Counsel, Surveyor-General, for 12 o'clock.

At 11:50 the Committee adjourned till 11 o'clock on Wednesday, 4th September.

WEDNESDAY, SEPTEMBER 4, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Sadler, and Mr. Gaffney.

The Minutes of the last Meeting were read and confirmed.

The Chairman laid upon the Table the Petition presented to the House from Mr. Ambrose Alfred Winch, of Queenstown, Tasmania, against the Bill, and referred to the Select Committee. (Appendix D.)

Ordered, That a telegram be sent to Mr. Winch, informing him that if he wished to be heard against the Bill, his proper course would be to appear and be heard before the Committee. (Mr. Sadler.)

The Minister of Lands and Mr. Brown took their seats.
Mr. Robert Carl Sticht, General Manager of the Mount Lyell Mining Company, was called and examined.
Mr. Patterson took his seat.
Mr. John Macneill M'Cormick, Engineer-in-Chief, Tasmania, was called and examined.
The examination of Mr. M'Cormick was concluded.
At 1 o'clock the Committee adjourned till 11 o'clock to-morrow.

THURSDAY, SEPTEMBER 5, 1901.

The Committee met at 11 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Gaffney, Mr. Brown, and Mr. Sadler.
The Minutes of the last Meeting were read and confirmed.
The Minister of Lands and Works took his seat.
Edward Albert Counsel, Surveyor-General of Tasmania, was called and examined.
The examination of Mr. Counsel was concluded.
Mr. William Henry Wallace, Secretary for Mines for Tasmania, was called and examined.
Mr. Wallace withdrew.
At 12:40 o'clock the Committee adjourned till 11 o'clock on Wednesday next.

WEDNESDAY, SEPTEMBER 11, 1901.

The Committee met at 11 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Brown, and Mr. Sadler.
The Minutes of the last Meeting were read and confirmed.
The Chairman read a letter from Mr. E. A. Counsel, Surveyor-General, requesting the Committee to insert a certain amendment in his evidence. (Appendix E.)
The Minister of Lands and Works took his seat.
The Committee considered certain amendments made by witnesses to their evidence, which were allowed.
The Chairman laid upon the Table the following Petitions against the Bill presented to the House, and referred to the Select Committee :—
1. From certain (77) residents of the Electoral District of Lyell, in the State of Tasmania. (Appendix F.)
2. From the King Jukes Copper and Gold Prospecting Association, No Liability. (Appendix G.)
3. From the Prince Darwin Copper Company, No Liability. (Appendix H.)
Mr. Ambrose Alfred Winch, Solicitor, appeared before the Committee on behalf of the Petitioners against the Bill, set forth in Appendices D, F, G, and H.
The examination of Mr. W. H. Wallace was continued.
The examination of Mr. Wallace was concluded.
Mr. R. E. Macnaghten addressed the Committee, against the Bill, on behalf of the Mount Lyell Mining Company.
At 1 o'clock the Committee adjourned till 3 o'clock this afternoon.
The Committee met again at 3 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Sadler, Mr. Brown, and Mr. Minister of Lands and Works.
Mr. Macnaghten resumed his address.
Mr. Macnaghten concluded his address.
At 3:50 the Committee adjourned till 11 o'clock to-morrow.

THURSDAY, SEPTEMBER 12, 1901.

The Committee met at 11 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Sadler, Mr. Brown, and Mr. Hall.
The Minutes of the last Meeting were read and confirmed.
The Minister of Lands and Works took his seat.
Mr. Ambrose Alfred Winch, Solicitor, of Queenstown, Tasmania, addressed the Committee, against the Bill, on behalf of the Petitioners set forth in Appendices D, F, G, and H.
Mr. Patterson and Mr. Gaffney took their seats.
At 12:52 the Committee adjourned till 3 o'clock this afternoon.
The Committee met again at 3 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Brown, and Mr. Gaffney.
Mr. Winch resumed his address.
Mr. Winch concluded his address.
At 3:50 o'clock the Committee adjourned till 11 o'clock to-morrow.

FRIDAY, SEPTEMBER 13, 1901.

The Committee met at 11 o'clock.
Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Brown, and Mr. Gaffney.
The Minutes of the last Meeting were read and confirmed.
Mr. M. W. Simmons, counsel for the North Mount Lyell Copper Company, Limited, addressed the Committee on behalf of the Bill, in reply to the addresses of counsel against the Bill.
Mr. Patterson took his seat.
Mr. Simmons concluded his address.
At 12:20 the Committee adjourned till 11 o'clock on Wednesday next.

WEDNESDAY, SEPTEMBER 18, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Sadler, Mr. W. H. T. Brown, and Mr. Minister of Lands and Works.

The Minutes of the last Meeting were read and confirmed.

The Committee considered the Preamble of the Bill:—

Amendments made (Mr. Minister of Lands and Works):—

Page 1, line 6, after "it," by striking out "being," and inserting "is."

Same line, after "desirable to," by striking out "offer further inducements to the North Mount Lyell Copper Company, Limited, to expend capital to further the development of the mining properties in the vicinity of Mount Lyell, Mount Darwin, and Mount Jukes, and to."

Resolved, That the Preamble, as amended, be found proved. (Mr. Minister of Lands and Works).

Mr. Gaffney took his seat.

Clause 1 postponed.

Clause 2 agreed to.

Clause 3 postponed.

Clause 4; Amendments made (Mr. Minister of Lands and Works):—

Page 2, line 18, after "as the," by striking out "Minister," and inserting "Governor-in-Council,"

Page 2, line 19, after "approve," by striking out to end of clause.

Clause, as amended, agreed to.

Clauses 5 and 6 postponed.

Clauses 7 and 8 agreed to.

Clause 9 read.

At 11:45 the Committee adjourned till half-past 12.

The Committee met again at half-past 12.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. W. H. T. Brown, Mr. Sadler, Mr. Gaffney, and Mr. Minister of Lands and Works.

Clause 9 further considered.

Amendments made (Mr. Minister of Lands and Works):—

Page 3, line 35, after "time," by inserting "after the passing of this Act."

Page 3, line 37, after "description," by inserting "shall be."

Page 3, line 38, after "Act," by inserting "which."

Page 3, line 46, after "Arbitrators," by inserting "Provided that such notice shall be given within Two months after such fixing, alteration, or amendment as aforesaid."

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11.

Amendment made (Mr. Minister of Lands and Works):—

Page 4, line 33, after "to time," by inserting "now."

Clause, as amended, agreed to.

Clause 12.

Amendments made (Mr. Minister of Lands and Works):—

Page 4, line 40, after "term of," by striking out "Forty," and inserting "Thirty."

Page 4, line 42, after "hereto," by striking out to end of clause.

Clause 12, as amended, agreed to.

Clause 13.

Amendments made (Mr. Minister of Lands and Works):—

Page 5, line 4, after "containing," by striking out "eight," and inserting "seven."

Same line, after "hundred," by inserting "and twenty."

Clause, as amended, agreed to.

Clauses 14 and 15 agreed to.

Clause 16 disagreed to.

Clause 17.

Amendments made (Mr. Minister of Lands and Works):—

Page 5, line 36, after "rent," by striking out "not exceeding double the rent previously paid for the land thereby leased."

Page 5, line 38, after "impose," by adding "under any Mining Act then in force."

Clause, as amended, agreed to.

At 1:10 the Committee adjourned.

FRIDAY, SEPTEMBER 20, 1901.

The Committee met at 11 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Hall, Mr. Brown, Mr. Gaffney, and Mr. Patterson.

The Minutes of the last Meeting were read and confirmed.

The Committee deliberated.

At 11:20 the Committee adjourned *sine die*.

FRIDAY, SEPTEMBER 27, 1901.

The Committee met at half-past 2 o'clock.

Members present.—Mr. Urquhart (Chairman), Mr. Brown, Mr. Gaffney, Mr. Patterson, and Mr. Minister of Lands and Works.

The Committee further considered the Clauses of the Bill.

Clauses 18 to 20 agreed to.

Clause 21.

Amendment made, page 6, line 19, after "of," by striking out to end of Clause, and adding "a period of Thirty years from the date of the passing of this Act."

Clause, as amended, agreed to.

Clauses 22 to 32 disagreed to.

Clause 33.

Amendments made (Mr. Minister of Lands and Works) :—

Page 8, line 43, before "it," by inserting "The last proviso of Section Thirty-seven of the said Act is hereby repealed, and the following shall be read and construed as the last proviso of the said Section."

Same line, after "Company," by inserting "subject to the approval of the Governor-in-Council."

Page 8, line 50, after "by," by inserting "this."

Same line, after "Section," by striking out "Thirty-seven of the said Act."

Clause, as amended, agreed to.

Clause 34 agreed to.

Clause 35.

Amendments made (Mr. Minister of Lands and Works) :—

Page 9, line 17, after "Company," by striking out "from the said areas and."

Page 9, line 18, after "any," by striking out "other."

Page 9, line 23, after "Company," by adding "and it shall be lawful for the Minister from time to time, to set aside areas of Crown Land for the exclusive use of the Company."

Clause, as amended, agreed to.

Clauses 36 and 37 agreed to.

Schedules (1.) to (3.) agreed to.

Postponed Clause 3.

Amendments made (Mr. Minister of Lands and Works) :—

Page 2, line 9, after "construct," by inserting "any branches, extensions, or."

Same line, after "lines," by inserting "authorised by the said Act, or this Act."

Same line, after "grade," by striking out "that shall," and inserting "or curve, provided such branches, extensions, or tramlines."

Page 2, line 19, after "of," by inserting "the."

Same line, after "same," by adding "Provided also that the suitability of the machinery be subject to the approval of the Engineer-in-Chief."

Clause, as amended, agreed to.

Postponed Clause 5.

Amendment made (Mr. Minister of Lands and Works), page 2, line 27, after "Minister," by adding "and also to make the Town of Gormanston a terminus for any branch line or extension now or hereafter to be constructed by the Company."

Clause, as amended, agreed to.

Postponed Clause 6.

Amendment made (Mr. Minister of Lands and Works), page 2, line 33, after "sidings," by adding "Provided always that the Company shall not be at liberty to construct any branch, extension, or tramline under the powers conferred by this Section or the preceding Section to any point distant more than five miles from the railway, unless such branch, extension or tramline, has been sanctioned by a resolution of both Houses of Parliament.

"Provided also that, before any such resolution is proposed, at least fourteen days' notice of motion be given in the House in which it is first introduced, and that previously an advertisement of intention to move the same shall have been published once a week, for two consecutive weeks, in a public newspaper published in Hobart and Launceston, and in a public newspaper published in or nearest to the district affected by the proposed branch, extension, or tramline, and that an interval of Seven days shall elapse between the passing of the resolution in one House and its confirmation in the other.

"Provided further that, before application is made to the Minister to approve a route for any branch or extension under the preceding Section to a point distant not more than five miles from the railway, notice of the intention of the Company to make such application shall be advertised once in a public newspaper published in Hobart and Launceston, and twice in a public newspaper published in or nearest to the district affected by the proposed branch or extension."

Clause, as amended, agreed to.

Clause 21 reconsidered

Amendment made (Mr. Minister of Lands and Works), page 6, line 22, after "Act" by adding "And for the purposes of sections Seventy, Seventy-one, Seventy-two, Seventy-three, Seventy-four, Seventy-five, and Seventy-six of the said Act and of this Section of this Act, the expression 'the said Railway' shall include all branches, extensions, and tramlines constructed by the Company under the authority of the said Act or this Act. Provided the construction of such branches, extensions, or tramlines have been first approved by resolution of both Houses of Parliament."

Clause, as further amended, agreed to.

Clause 35 reconsidered.

Amendment made (Mr. Minister of Lands and Works), page 9, line 9, by striking out "The Company shall have the right to an exclusive, permanent reservation during the period of any special Leases and renewals thereof granted by the Minister to the Company under this Act of all timber in the areas of Crown Lands which were reserved for timber required by the Company in the construction of the Railway. But this Section shall give the Company no other right over the said areas of Crown Lands except a licence to cut and remove timber."

Clause, as further amended, agreed to.

Draft Report brought up and agreed to.

The Committee adjourned *sine die*.

NORTH MOUNT LYELL MINING AND RAILWAY
BILL, 1901 (PRIVATE):

EVIDENCE GIVEN BEFORE SELECT COMMITTEE.

EVIDENCE.

THURSDAY, AUGUST 29, 1901.

MR. M. W. SIMMONS (instructed by Messrs. Simmons, Crisp, and Simmons) appeared for the North Mount Lyell Copper Company, Limited; and Mr. R. E. Macnaghten (instructed by Messrs. Butler, McIntyre, and Butler) for the Mount Lyell Mining and Railway Company, Limited, to object to certain clauses of the Bill.

L. C. TRENT, *called and examined.*

1. *By Mr. Simmons.*—What is your full name, Mr. Trent? Lamartine Cavaignac Trent.

2. What are you, Mr. Trent? I am a mining and metallurgical engineer.

3. And you are at present—? I am General Manager in Tasmania for the North Mount Lyell Copper Company, Limited.

4. And you are resident at Kelly Basin? At Kelly Basin—yes, sir.

5. On the West Coast? Yes.

6. Will you describe to the Committee the work already carried out by the company? Well, we have at Kelly Basin—first, a jetty about 400 feet long, that extends into the bay for the purposes of a wharf. Then we have another wharf at Kelly Basin—a substantial and well-built wharf for the reception of goods; and, in addition, a pier that is also substantially built, and having three pairs of rails on it for railroad traffic. We have a railroad from Kelly Basin to Linda (three-and-a-half feet gauge) a distance of twenty-eight miles—a railroad substantially built, under the conditions of the Act that allowed us to build it; and it is equipped with the very best quality rolling-stock we can purchase, and an ample supply of it for conducting a railway business generally, and also for carrying our own goods and ores. In addition to that, we have a branch line completed to Gormanston, a distance of about two miles. That line has necessitated extremely heavy works; so much so, that, up to the present, the cost of the line has exceeded £25,000.

7. That is, this branch line alone? The branch line alone, yes. In addition, we have extending two and a quarter miles from our main line, a branch line to our smelting works—a three-and-a-half-foot gauge line substantially built. We have a well-equipped passenger station at Kelly Basin, thoroughly well built and furnished, and a locomotive-shed that will hold four locomotives. We have a large goods-shed—that is a permanent well-constructed goods-shed—and we have a saw-mill and brick works, with the necessary sidings connecting with the railway, and the necessary machinery for cutting and manufacturing timber, and also two large carpenter's shops equipped with machinery for sawing and cutting and planing; that is all at Kelly Basin. And we have at the mine a tramway, something over a mile long, upon which a locomotive operates to carry the ores we are now taking from the mine to the aerial tramway in connection with

the railway. In addition to this we have an aerial tramway extending from the railway to Linda Valley, a distance of about a mile—I am not quite sure of its length. This aerial tramway alone has cost us in the neighbourhood of £20,000. All these works are completed and in successful operation. We have very extensive ore-bins on the line of the tramway from the mine, and also at the lower end of the aerial tramway, which are substantially, well, and permanently built. At the mine we have a number of roads and tunnels, a quantity of machinery for operating the mine, and very extensive underground workings which extend from the top of the mountain down to what is known as our No. 2 tunnel. We have also a small tramway for bringing ores from our lower tunnel up to the level of our main tramway that I have described, and this small tramway is operated by steam.

8. And you are also proposing to carry out certain additional works, Mr. Trent? Yes; but I had not finished. We are also constructing a smelting works, for smelting our ores, and refining our copper. This is about five miles from Kelly Basin, near to the proposed town of Crotty. I have already described the branch line that we have got into these works. We have, up to the present time, spent between £40,000 and £50,000 in the construction of these works; and they are still under construction. In the main smelting works we are constructing four reverberatory furnaces, that are forty feet long, and sixteen feet wide, for smelting the ore; and we have converters—a modification of what is known as the Bessemer converter—for taking the matte as produced in these furnaces I have described, and refining it to metallic copper by one operation. The works are being made large enough, and the ground is laid out with a view of adding four more furnaces. These works are well under way, and one of the furnaces is practically completed. The second one will be completed in a period not to exceed six weeks; and the others in about the same time afterwards, in rotation. The building is a substantially-built building, at present 225 feet long. It is built upon concrete foundations and has all the machinery in it. It is equipped with an overhead travelling crane that will cost us, when put into operation, at least £4000—the crane alone. The crane is for the purposes of carrying the ore to the furnaces, and carrying the molten matte to the Bessemer converters. We are introducing converters that are new to this part of the world, although they are in use in some other countries. The ores are simply smelted once, and the matte is refined into metallic copper in one heating by one operation, as is done in no other part of Australia at the present time. The works are very modern, and built substantially as far as they are constructed; and we are carrying on construction as rapidly as possible, sometimes working at night, when the weather permits. This smelting building I have described is well under way; a great deal of the machinery is already there; and of the remainder, most of it from factories in the United States and in England, is shipped, and a great deal is being manufactured in Tasmania from our own drawings. In addition to this we have large crushing works. All the ores and fluxes, and any material at all for the furnaces, is received into these works, where it is crushed and sampled, and automatically delivered into one of a number of ore-bins that are connected with the works. So that this forms a crushing and storage house, and the ore the company smelts and crushes is ready, and is taken out of these bins as required for the smelting operations. This is a substantial building also, and will cost us in the neighbourhood of £20,000 to complete. It is partly constructed, and all the machinery is on the ground to equip it, and it is being completed as rapidly as possible. I do not recollect the dimensions of it now; but it is a very large and substantial building. We have also constructed an engineering shop, a hundred feet by seventy feet. In it we have got the most modern tools for the equipment of an engineering shop already in place, and in operation; and this building alone, with its tools and equipment, will cost us in the neighbourhood of £5000. In addition to that we have a carpenter's shop and wood-working shop, also equipped with modern tools for manufacturing such things as ore-trucks, and coaches, and carts, and anything that we require, and for preparing the material we use in constructing our buildings. That building is a hundred feet by fifty feet. All the machinery is on hand or complete, and ready for erection; the building is completed. We have, in addition to that, a large laboratory, containing eight rooms, all constructed, and being plastered at the present time, and we expect it to be ready for occupation almost immediately, equipped with all modern appliances for a first-class chemical laboratory and experimental institution for experimenting the ores. We have a temporary office building that is 75 feet long, and containing, at the present time, 15 rooms already constructed. That is in use for our drafting offices, engineering offices, and, also, for housing some of the staff who live on the ground. We have a large warehouse erected for storing and sheltering our goods. All these buildings are of a strong and permanent character. In addition to that, we are preparing the ground, and expect to commence excavating next week for a large concentrating mill for taking low-grade ores and concentrating them before they are sent on to the smelting-works. These various works will be of a very comprehensive character, and will have facilities to deal with almost any of the ores of the district. We have commenced these concentrating works, and they are to be built as rapidly as possible. All the machinery is ordered; some of it is to be manufactured in Tasmania, some in England, and some in the United States; and we expect that to arrive here very shortly. We are also constructing a boiler-house, which will be large enough to accommodate 800 horse-power in steam boilers. We have purchased, and have on the ground nearly erected, 600 horse-

power in steam boilers; and this building is well under way, and will be completed within the next two weeks. We are also constructing a large power house to contain our engines and electric apparatus. The engines will be of 700 horse-power, and, in addition, we will have a large blowing-engine of 400 horse-power for blowing out the convertors. These engines and apparatus are all very substantial and modern machinery. They are all purchased, and, if not on the water at the present time, will be in the course of the next week or two; and the buildings are under construction. The entire works will be operated by electricity generated in this power-house I have described, and the transmission will be from each building by wires to the different machinery on the property. Now we have constructed and are constructing enormous sidings from the main branch of the railway into the different buildings that I have described. We have already constructed three miles of water-races, and have built a tank for conserving our water, which contains 65,000 gallons; and we intend to erect other tanks as they may be required. The water-races are about complete. There may be some little flumes to put in, or something else to do to make them absolutely complete, but the bulk of the money they will cost has been spent on them.

9. Can you say what is the cost of the works now in course of construction? The cost of the works now under construction will be £100,000; but when they are completed as contemplated, the cost will be in the neighbourhood of £200,000. Further, we are going to build—as it is part of our immediate plan to build—lixiviation works for treating some classes of ore that cannot be concentrated, and are of too low grade to be smelted; and also for treating such copper and other metals as escape from our concentrating mill, so as to make the operations more complete. This is to be a very elaborate building; some of the designs are being made in Glasgow. It will cost £20,000, and be in operation within the next six months. All these works are being pushed on rapidly: as rapidly as we can get materials to do so.

10. How many men are you employing there now? At the smelting works?

11. Down on the Coast altogether? Considerably over five hundred men.

12. And has the company in contemplation any manufacturing works? Yes, it has manufacturing works in contemplation—the further refining of its copper to merchantable copper, and the manufacturing of it into sheets, and into wire and wire bars, and such other merchantable forms as are demanded by the trade of the different parts of the world.

13. You have seen the Bill now before the House, I think, Mr. Trent? Yes, I have read the Bill.

14. Have you a copy before you? No, I have not got it before me.

15. Well, take this copy. [Bill handed to witness.] Look at Section 3, which deals with the break of gauge. Will you explain to the Committee, Mr. Trent, the necessity of that section, and the need of the break of gauge? Our plans, which were matured before I became connected with the company, contemplated a branch railway from some point on our line to the Comstock Mine, taking in other lines on the route. It was decided to build this from a point called Gormanston Junction, through Gormanston, to the South Mount Lyell Mines, and from there, passing several other points, to the Comstock Mine, with a branch extending to the North Lyell Mine itself. I may explain that at present our mines are not connected directly with our railway—only by an aerial tramway, which is of a temporary character, and will not be sufficient for carrying our ores to the smelting-works. And, therefore, it was intended to make this a comprehensive system to connect the main line of the North Lyell Company with the main mine, and such other mines as we had friendly connection with at that time. After laying the route out to Gormanston, it was found to be of such an expensive character as to practically prohibit us from completing it. The route was so heavy as to make it absolutely impossible for us to provide the funds for completing the route in such a way. As an instance of that, I may explain that the two miles which we built to Gormanston have cost up in the neighbourhood of £25,000; and the distance beyond would have cost us, certainly, more per mile than it did to get into Gormanston. So that practically, the cost prohibited us from completing our plans for connecting our main line with our own mine even, and also with other mines which are practically a portion of our own Company's property, as they are practically owned by the same shareholders, and managed from the same offices. And it was deemed advisable at that time to survey a route having a less gauge, as being more easy and cheaper to construct, and something within our means. But we found, on undertaking to build on that route under the Railway Act, it was not in accordance with the Act; and the Ministers and the authorities would not permit us to construct the narrow-gauge line. But before we can carry out the plans that we have had in contemplation since the inception of our work, it will be necessary for us to have some means of getting to these different mines.

16. You spoke just now of different mines, and the friendly relations existing between them and the North Lyell. Can you tell us the names of those mines? I can tell you the names of some of them.

17. Shortly speaking, they are the companies named in the original Act; and there are now some additional sections? Yes.

18. Then you are also asking, under this clause, now, Mr. Trent, that it shall be lawful for the company to construct any branches of any of the three gauges specified in Section 5 of the original Act, and if any grade—and we propose to add “or curve”—that shall be provided with suitable machinery for safe working. Will you explain that? Since I have become connected with the company, I have tried to impress on it the disadvantage of having to break our gauge for the class of ores and materials we have to carry; that it would materially and perpetually increase the expense of handling, since it would necessitate our having two gauges of rolling-stock, and a good deal of extra handling. That, of course, will increase the expense of handling; and I have recommended the company, instead of building a railway within the meaning of the Act, to carry passengers, simply to build a tramway suitable for conveying such material as we produce in our mines, and bringing it backwards and forwards, as is done in other countries at the present time. In other words we want to be able to build a 3½-ft. gauge tramway so that our present rolling-stock may be used for it; by which means we should save handling, and minimise expense.

19. *By the Minister of Lands and Works.*—With steeper grades? Steeper grades and sharper curves. We don't expect to operate these tramways at any speed—the maximum would be six miles an hour—and they would be operated with absolutely safe appliances. It is not a new precedent we are introducing, but something very frequently used in other countries; and it will enable us to build tramways to these different mines at a moderate cost.

20. *By Mr. Simmons.*—These remarks apply also to sections 5 and 6 of the Bill? Yes, exactly. In these places nothing but such tramways could be constructed at any reasonable cost.

21. Now look at Section 7, Mr. Trent. In some places you want to have an additional width of land, beyond the chain authorised by the original Act. Will you explain why that is necessary? Well, it is sometimes necessary to have some buildings—railway-stations, and goods-sheds, and possibly water-tanks adjacent to the railway; and we have found—which we did not contemplate at the inception of the works—that, in excavating some of the large cuttings, the extreme width of the cutting on top was a good deal wider than the one chain allowed by Law. Of course, I do not think that we particularly require that width of land in such places as that; but it is no good to anyone, and we simply wish to legalise our excavating on so much land. And it is also necessary for the safety of the railway to cut the timber along the line, as we are troubled at the present time with timber falling on the line very frequently. Also the wind giving a motion to these trees makes cracks, which the water flows into, and sometimes cracks these cuttings in that way, and causes slips which are very expensive to repair, and also interferes with the working of the line.

22. Look at Section 10, Mr. Trent. There is power given there for the company to make an additional charge in respect of any portions of a line constructed on the Abt system. Well, there is no portion of the main trunk line, as I understand, constructed in that way; but it may be necessary to construct some of the branches in that way? Yes, it might be necessary.

23. And that is why you desire to get power to charge extra rates? Of course, in building railways up a steep mountain, it is necessary to circulate round a great distance, especially if you wish to keep your grades down. Now, if by an ordinary railway, in such circumstances, it takes you five miles to go one, as it frequently does, and you can make a short cut by putting in expensive machinery, and do the distance in one mile or a mile and a half, the same object is attained, but at an increased expenditure per mile, and that is why the company wish to charge special rates when they get over any portion of the route in that way; it not only costs more to build the line, but it costs more to maintain it. Of course, you will understand that it costs money to operate a road having very steep grades on it.

24. Pass on to Section 13, Mr. Trent, when the company is proposing to ask for certain land—it is printed here as 800 acres, but we propose, you know, that it should be 720. Is that the plan of it? Yes. [Witness makes explanations by plan.]

25. Why do you want to get that land in that way? Well, in the first place, the ground is exceedingly rough. A great deal of it cannot be used at all for any purpose, on account of the steep mounds on it; and, on the other hand, a great part of it lies very low, and is in a permanently swampy condition. But we are contemplating the use of wood fuel very extensively, and we want land because we have to spread out thousands of cords of wood that

we want to get cut and dried and seasoned ready for our operations. Then, we have to have numerous sidings for our ore, and sites on places some distance from the works for the roasting furnaces in which the sulphur is eliminated from the stuff. Then we want land on which to construct our water-races and our reservoirs, and we want land on which we can dump our slag and refuse from the works, and, also, the tailings from our concentrating works—which, at no distant date, will amount to 400 or 500 tons per day, and all this must be deposited somewhere. Our works will necessarily foul the streams if the refuse is allowed to be deposited in them, and we want to be able to impound this refuse somewhere. There will be a good deal of our refuse that will contain chemicals that might be injurious to health if the stuff were allowed to run into the streams of the country; and we want a place where we can deposit it without any fear of our being interfered with on the ground that we are encroaching on the rights of others. In addition to that, we want certain places for residences for our officials to live in remote from the smoke, and for some of our workmen. It is necessary, in operating such works, to have a number of our workmen close to the works all the time, and we wish to be able to house them as near as possible, but in a place free from the smoke and sulphur fumes which will necessarily be emitted from works of that kind. And we want to isolate other works which emit disagreeable fumes, as much as possible. I think all the land we have taken up, considering the quality and the character of it, can be utilised to good advantage by the company.

26. Pass on to Section 22, Mr. Trent. The company is there asking for the right to conserve water. Will you explain the necessity of this section, and the intention of the company with regard to this matter? Well, notwithstanding that it is a very wet country—and it's almost always raining down there—if you are to use water it is necessary to build expensive works. It is so there more than in other countries where there is not so much water, because the continuous rainfall tends to destroy our water-races and other works. That applies to all other works, such as railways and tramways, and makes them very expensive to construct and maintain. Now, the procurement of a sufficient amount of water at the works, so as to be reliable for a supply all the year round, is a very expensive affair. We have to get water sufficient to provide us beyond the peradventure of a doubt during the dry months, when they come. I am informed, although I have not seen them yet, that there are dry months, and the country is so steep, and so near the coast, that in a very few days of dry weather all the water runs off. I have seen it myself, within a few days, difficult to get water in some places. It is necessary, therefore, to spend a large amount of money to provide water for the use of the works. In doing so we have to take necessary precautions that the waterworks are properly built. Well, when we have ample storage, and when we have means of knowing that the water stored is not polluted, we thought the time might come when it might be desirable for the adjacent towns and people in the neighbourhood to come to us to supply them with water. Already, we have a considerable amount of water mains laid, which we expect to have to extend for our own operations. If the people of the towns desire it, we will extend these mains into the town, and supply them with water. We have no wish to monopolise it in any way; it is simply to be a convenience of the public.

27. Are your works on a different watershed from the works of the Mount Lyell Company? Yes.

28. Would it be possible for your company, under this Bill, to do anything prejudicial to the Mount Lyell Company? No, I don't think so, unless they wanted the earth. Our works are situated, I should say, at least ten miles away from them, and the water we have in contemplation to take is water that is not appropriated, and we simply wish to have the right to appropriate it, and put these mains on. We don't wish to interfere with anything that the Mount Lyell Company has got, nor with anything that we can see that they could have, or could desire. Our works are so far from the Mount Lyell that I don't see how we could conflict at all.

29. *By the Chairman.*—You say you are not on the same watershed? Not on the same watershed—no. I don't see how our works could be harmful to them in any way.

30. *By Mr. Gaffney.*—Do you know the names of the streams that you propose to get the water from? The Traveller River, the Fish Creek, the Governor River, and the Tofft River. Either one of these streams, in wet weather, will provide all the water we want; and in dry weather, so far as I am informed, the whole of them together won't do that, without a reservoir and storage.

31. All these streams enter into the King River, do they not? Yes, all of them; all tributaries of the King. There are some streams in the neighbourhood of the mine which I have not personally investigated. Of course, we shall want more water than we have got for our mains, but it is not a large amount we require, and you must bear in mind that during the last nine months in the year there is plenty of water; the country is nothing but a waterfall all the time. Water is the most plenteous thing that there is there. But it is necessary to make this provision, none the less. Water is a very necessary thing in mining, and if you don't have water your operations have to cease.

32. *By Mr. Simmons.*—Going on to Section 34, Mr. Trent, is this the plan of the 19 acres referred to in that section? [Plan handed to witness.] Yes; this is the piece of land known as our clay reserve, on which our sawmill and brickworks are built, and numerous sidings also.

33. Has the company expended any money with respect to that 19 acres in the way of levelling, and so on? Yes. I should say that for all purposes the company has expended in the

neighbourhood of £20,000, on that. There are some residences on it—a few of the officers' and workmen's—and there are the brickworks and two carpenters' shops.

34. And the sawmill? Yes, and the sawmill—rather an expensive sawmill—and a small engineering shop, and a warehouse. And I don't know whether the wharf is not on that, too; I rather think the long jetty also extends from that land.

35. Look at Section 35, Mr. Trent; the company is asking for certain timber reserves. Can you explain, shortly, the necessity of that? Well, there is plenty of timber there; really, there is more timber and firewood than I have ever seen in one section before. But as soon as you go to build a railroad through it, people slip in and cut up the most accessible, useful, and valuable of these woods, and they hold them under some rights or other on which they claim them, and when the company wants them it must purchase them at an advanced price from these people. There is wood enough along both sides of the line to supply the people of Tasmania for a great many years; but we have to get this wood. The country is such that you cannot utilise horses to any appreciable extent. You must use tram-roads: you can't make roads at any reasonable cost. Horses won't perform a reasonable amount of work in that country; they are expensive to maintain, and expensive to keep in repair—if I may put it in that way. It's expensive to use horses, and they are very inefficient. It is our intention to build into these timber reserves 3-ft. 6-in. tramways, so that we can load the trucks in the timber, and take the same trucks to our furnace doors, or to our wood storage yards, and so minimise handling as much as possible. And we want to have some parts for ourselves to get timber from, where others don't interfere by getting out the best of it. The whole line of route is really nothing but a vast forest of timber: not valuable timber, but firewoods.

36. Now, are any branches or tramways you have in contemplation likely to be prejudicial to the Mount Lyell Company? Not in any way. The branches or tramways will not pass over any ground that I am cognisant of the Mount Lyell people having any interest in whatever.

37.—*By Mr. Macnaghten.*—I understand you have been in Tasmania about six months? Yes.

38. May I ask where you were before? Well, I have been in America for about 30 years: in the United States of America.

39. And you have had a good deal of experience, I suppose, in mining in the United States? Yes, I have been engaged altogether in mining for quite 30 years.

40. Have you had much experience in water-power? A great deal of experience of water-power; yes.

41. That is brought to a high pitch in the United States? Yes.

42. You know Niagara? Yes.

43. You have seen the recent works there in connection with water power? Yes.

44. But lately; I mean, you have been there lately? Yes.

45. Within the year? Yes.

46. Isn't it a fact that within the last four or five years there have been enormous developments there? Yes; very.

47. Isn't there a town within ten or twenty miles from Niagara with one long street, on both sides of which there are manufactories? Yes, I think there are such towns.

48. And all the factories driven by water-power? Largely by water-power.

49. *By Mr. Patterson.*—By electricity, that is? Yes, by electricity generated by water-power.

50. *By Mr. Macnaghten.*—The original power is derived from the falls of Niagara? Exactly; yes.

51. And the whole town is supplied from there, in fact? Well, as a matter of fact, the power from Niagara is distributed everywhere over a radius of possibly thirty miles all round it.

52. But I wanted to know if you knew this particular town. I forget the name of the town, but there is such a town. Do you know it? Well, there are a number of towns there. They take their power to Buffalo, which is thirty miles distant: a very large city—a city as large as Melbourne.

53. In this place I mean there is a long street, with, as I understand it, manufactories on each side, and nothing but manufactories, and all driven by water-power? Exactly.

54. You have seen that? I don't know that place in particular, but it's a very active neighbourhood round there, you know—always has been. I simply went there lately with my daughter to view the falls, and look round generally. But I have been there a great number of times, and I know the development of water-power driving electricity has been very great there.

55. I may take it, then, that you have seen yourself the enormous value of water-power? Yes. Of course what you refer to is an enormously valuable water-power in a populous district.

56. And that value is likely to increase in the future, is it not? Oh, well, of course it is a relative value, as between coal and electricity. Of course it costs a great deal of money to construct works and distribute this power.

57. You don't quite understand my question.—Is it not a fact, as far as we can tell, that this value of water-power is likely to increase very largely in the future, all over the world? Well, I don't know; it only has a certain relative value. I don't know much about anything except the West Coast just now.

58. You mentioned in one part of your examination-in-chief, "other mines"—may I ask to what mines you refer? In reference to what?

59. Well, I tried to interject at the time, and Mr. Simmons objected. I think it would have been perfectly in order that I should have asked you then. What are they? You want to know about the other mines?

60. Yes; I want to know the names of them? Well, I will tell you the names. We are building the smelting-works—

61. I don't want that. I want just to know the names of the other mines you mentioned? Well, I'll tell you some of the other mines; but what I want to explain is this:—that we want to be in a position to go to any mine that says "We have ore, and we want you to smelt it"; we want to be in a position to build a tramway to that particular mine, which may not even exist at the present time.

62. *By the Chairman.*—Mr. Macnaghten wants the names of the mines first, and any explanation you like afterwards? Very well; let us have the question.

63. Well, the question was this: you mentioned "other mines." What were they;—the other mines you require to be connected with by branches? We want to build tramways to connect with the Comstock, the Tasman, the Crown Lyell, the Mount Lyell Blocks, the Tasman and Crown Lyell Extended, the Annaconda, the North Lyell Consolidated, the South Mount Lyell, the Mount Lyell Consols, the Mount Lyell Consols Extended, the Mount Lyell Pioneer, and any other mines that we discover later, and that require to send their ore to our smelting works, or that we require to get to. In addition to those I have mentioned, there are the mines at the Mount Jukes Proprietary, the Comstock Proprietary, and the different mineral sections in the neighbourhood of the Darwin that are now under process of development.

64. That is a good many mines more than were mentioned in your former Act? Yes. They probably were not all discovered at the time when our former Act passed. We are asking for additional powers for building additional tramways. The mines that I have mentioned our shareholders are more or less interested in. Now, the object of our smelting-works is to smelt ores that anyone may bring to us, or that require smelting, or that we can make any profit on; and we want to be in a position to get at these ores.

65. Do you mean to say that, if you can get leave from the Government to run lines to all these different mines you have mentioned, it will not in any way prejudice the interests of my clients? Only to the extent that one baker's shop would prejudice the business of another.

66. And it would not prejudice them in any other way? Not in any other way at all. It would bring competition to the different mines in the neighbourhood that are now stifling for the want of it.

67. I should like you to look at Section 5 of this amending Bill, and Section 6. Take Section 6—"It shall be lawful for the company to make a branch or branches of the Railway to its smelters, and to any land or any portion of any land which may be leased to the company under the provisions of this Act, and to make sidings"—Do you mean to say that if your company got leave to make all these branches that would not be in way interfering with our company?—Can you guarantee that none of these lines you propose to make will cross any of our sections? The Mount Lyell sections as I know them to day—yes.

68. You can guarantee that? I can guarantee that as to any Mt. Lyell sections, as I know them to-day—as to anything that belongs to the Mount Lyell Mining and Railway Company at the present time—that is so registered.

69. Have you got plans shewing all these lines? No; we have not got plans.

70. Would you have any objection to having plans, showing all these lines—what is your objection? The objection to what?

71. To your having plans? Personally (I don't know about the company) I should object to making plans of everything we intended to, and exhibiting them to the Mount Lyell Company, or to give them our private prospectus. I should think it would be brazen impudence to ask it, myself.

72. Other companies had to show their plans to Parliament, you know? Yes; if Parliament asked it I should be glad to do so, but not to show them to the Mount Lyell Company.

73. Can you see any reason why you should not show plans to the Government, in the same way as other companies have done? In answering your question, I may say that we certainly should not expect to build any tramways without submitting plans to the Government; and we want to be in the position that we can from time to time submit plans to the Government, and the Government have authority on that to authorise the works. We don't ask for indiscriminate power to build tramways all over the West Coast; but when we desire to build a tramway we do not want to be put in the position of having to go to Parliament for it. I suppose Government would have a right to see plans of branch lines; but whether a competing company, that constitutes itself guardian of the district, should, is another matter.

74. Now I want you to turn to Sections 22 to 27. You said in your examination-in-chief that water is very necessary in any mine, and that if you don't have water your operations have to cease. I suppose that applies not only to your own company, but to other companies? Exactly.

75. Also to the public at large? Exactly.

The Chairman.—The public at large have their representatives in Parliament. You had better confine yourself to the position as it concerns the Mount Lyell Company.

76. *By Mr. Macnaghten.*—You also stated that you had no wish to monopolise the water in any way. But suppose—I don't say it is very likely—that our company did wish to get access to this water in future: you never can tell what may happen. Suppose our company wished to get at this water in the future, would not you, under these clauses, have a monopoly of that water? We would have a monopoly of all the water that we had improved. Supposing that we should wish to take a part of some of the water that your company has got now: would we have a right to do it?—you have improved a lot of water: supposing we took a notion we wanted it—would we have any right to go and tap your water?

77. You say you have no wish to monopolise the water; but surely those sections do give you a monopoly? It gives us a monopoly of the water we are using at the present time: the water that we go to the expense of preserving, not only for ourselves, but for all the people living in our district. If they want the water, they can get it; we have got the channels where the population live. And of course if you want our water after all that is done, you will have to want; just as we would have to want, if we wanted some of the water you had already improved.

78. But you said you had no wish to monopolise the water in any way. Is it not a fact that under these sections you would be monopolising the water? Yes, we would be monopolising certain water, just the same as we would monopolise the mineral sections we have got leased from the Government.

79. *By Mr. Simmons.*—The shareholders in these different mines you have named, Mr. Trent, I understand, are more or less the same body of shareholders as are in the North Mount Lyell Copper Company? Yes, they are.

80. To a large extent, at any rate? To a large extent—Yes.

81. And these individual companies you have named are not in a position to go in for these expensive and extensive works themselves? No; none of them.

82. Then the object of the North Lyell Company in working in with these other companies is to enable these companies to develop their mines? Exactly; yes.

83. You have already told us, I think, that there are no streams near you that could be beneficial to the Mount Lyell Company? There are none that I know of that could be acquired at a reasonable cost by them.

84. And there are none that could reasonably be compared with Niagara? No.

85. Is there any such large surplus of water available that my friend need be afraid? There is no large quantity of water there at all, except when you don't want it.

86. *By the Chairman.*—Mr. Trent, under the original Act you have the power to make branch tramways where you like, providing they are not distant “more than five miles from the said railway”? Exactly.

87. You could make them where you liked, for the purpose of obtaining timber, and so on? Yes.

88. That does not give you the right to go to a mine with a tramway? Oh, scarcely to go to a mine.

89. And it is practical to provide for that that you want the Act amended? Yes; exactly. People may say to us, “We have got some ore.” Well, we buy the ore, or we may wish to buy a particular section. We have got the railway, we have got the administration, all we have to do is to extend a few miles of tramway. We have our rolling-stock: it is comparatively easy for us to do it, and very difficult for the owners of mineral sections themselves to do it.

90. Under the original Act, if you make a branch line it must be of the same gauge as the railway? Yes.

91. And under this Bill you can make it of narrower gauge? Yes, if you desire it.

92. Have you got the Deed of Association of the company? No, I have not.

93. Can you say, of your own knowledge, whether it is within the scope or without the scope of the company to sell water—it is a question, you see, as to whether it would not be *ultra vires* as to the constitution of the company—do you know? No, I do not know. I have been informed by our attorneys that we have that right. It is not really that we want to sell water to people at all; we really pass it through the channels and allow them the use of our mains.

94. You will be satisfied if you get the water for the company? Perfectly satisfied. If the public don't want to use it, they won't be compelled to.

95. You are designated the North Mount Lyell Copper Company, Limited. You don't know whether your scope extends to mining only, or dealing with copper, or what? It extends to mining, railroads, the manufacturing of timber and bricks, and so on.

96. That would all be in this Deed of Association? Yes.

97. Now, can you say how much your company has expended altogether in developing the works? We have expended, up to date, over £400,000.

98. Did you have any land concessions to commence with? No; we had a little bit at Kelly Basin for a railway station, but I don't know how it was acquired.

99. You cannot say, of your own knowledge, what sort of a place Kelly Basin was when you built and constructed your works there, can you? No.

100. *By the Minister of Lands and Works.*—With regard to the break of gauge, Mr. Trent. Do you contemplate making more than one break? Well, I do not really, at the present time, contemplate making any break. There might be some portion that we might want to reach—some very difficult position—when we might want to break the gauge.

101. Would it not be sufficient for you if you specifically asked for the right to construct certain branches on a 2-ft. gauge? Yes; I think so.

102. If you wanted to run passenger trains, in endeavouring to attain the altitude of some of the different mines, you would find it necessary to have a very narrow gauge, wouldn't you? Yes, in some of them it would be necessary to do it, I fancy; but we want to avoid that as much as possible by the adoption of a method that we have in view of turning very short curves on a 3 ft. 6 in. gauge. We want to confine ourselves to that gauge as much as possible, so that our rolling-stock may be interchangeable. But it is a very difficult country—the most difficult I ever saw. It is extremely rugged, and the soil is of such a nature that it is difficult to maintain a road after construction. The soil is always moving, and decomposing. One wants to avoid deep cuttings and heavy works, for that reason. If you can get round or climb over, you are in a much safer condition than if you cut through.

103. *By the Chairman.*—You have had heavy land-slips, have you not? Very heavy and very expensive.

104. *By the Minister of Lands and Works.*—With regard to the break of gauge, would you be satisfied if the Committee recommended that you might be allowed the use of the 2-foot gauge, in addition to the present gauge, subject to the approval of the Engineer-in-Chief? Of course, my view is that a 30-inch gauge is probably the most practical thing you can construct. I think a 2-foot gauge is too small. We are always willing to be governed by the approval of the department, or by the consent or approval of the Minister, in everything we want done. We don't want to go to Parliament for every little matter; it is delaying, it is expensive, and it is embarrassing. We don't want to construct a general system of railways there, but, even if we did, it would be of great benefit to the country. We merely want to gather the ore and bring it to our smelting works, and so give employment to the people.

105. I want now to discriminate between the two classes of railway you are dealing with? We don't want passenger traffic.

106. But you may. You want that route, and that throws the responsibility on Government of seeing that you construct such a line as may be safe? Yes; exactly.

107. Then, with regard to constructing a narrow gauge line. I am instructed by the Engineer-in-Chief that it would be much better for you to be confined to one narrow gauge, subject to the approval of the Governor in Council—what do you think? I think so.

108. Then, with regard to lines that you need for the purposes simply of carrying your ore—do you think it is necessary to ask for special powers with regard to them? I don't think really it is. But I think that it is probably due to the fact that at the time when this Act was considered, there was a desire in some quarters to block us. Anyhow, when there was any question of a branch, before we would get our plans completed, we would find a mineral section we required bought right in front of us, with the evident view of blocking the extension of our railways and tramways. If we got into a position where we wished to build a tramway and they did that, they could make it very expensive for us. That is the reason why we want an Act to allow us to go to the Minister and get him to authorise such a tramway, and not allow frivolous excuses to interfere with the construction of a really necessary line.

109. But would not the Mining Act, which gives full easement powers, cover that? I don't know that it would. I don't know how far the opposition to such a line would be effective; I have not been in the country long enough. But we found that when we wanted to make a survey someone would come along and sink a shaft right in the line of it.

110. But this Act would not prevent that, you know? Well, it would allow us to do this: we would be compelled to pay anybody any actual expense or loss they suffered, but it would not compel us to turn our railway or stop it. As a matter of fact, outside the objecting company, everybody in the district would be glad to have such an Act passed. Properties there are no good without tramways. There is one of the greatest mineral regions in the world there, and it is undeveloped for the want of these tramways. To a certain extent we are willing to supply them. We have an enormous investment in railways—more than the company ever contemplated—and now we want to make the system profitable by making branches. There are great mineral sections there—low-grade, it is true, but a profit could be made on them if they were accessible, and an enormous army of men could be employed if the district were properly served and a reasonable amount of liberty was left to investors in the district. I don't think it is the desire of the company to monopolise anything. If anybody wants to build another railway, we don't object.

111. Had you not better keep to the point? Yes; but I want to make it clear that we do not want to obtain monopolies; we simply want to help our investments.

112. You want, Mr. Trent—even if you do not want passengers—to cater for the public as common carriers? Yes, as common carriers; it is necessary to do that.

113. Then you contemplate constructing 3 feet 6 inch railways with very much steeper gradients than are authorised under your present Act? Yes.

114. What is the steepest gradient you might be compelled to use? Well, we might be compelled to use as steep as 1 in 10. That would be an extreme case. We have nothing of the sort in contemplation at present; but I should like to construct such a line, just to show the Government how practicable it is. At present 1 in 16 is about the steepest we have in view.

115. Would you be in a position to give us any contemplated route, approximately? Yes; at the present time we want to build a tramway to the Comstock Mine.

116. From where? From Linda Valley, or near about there.

117. On this particular gauge? On that gauge—yes. When we get to the Comstock Mine, there are sections beyond that we might want to extend to, simply for the purpose of getting ore and bringing it down. We might wish to acquire sections beyond there, and, if we do, we would like the power to extend the tramway to them. But we do not want to go to Parliament for a Bill.

118. Well, you could not, under your right to make branches, acquire a right to make a railway to any section you might require. Well, then, really, the intention of the company is to have two classes of railways—its trunk line, on which it will cater for all kinds of business; and its branch line to Gormanston? Exactly.

119. And you wish to have the right to construct these tramways on steep gradients and narrow curves for carrying only? Only for carrying; yes.

120. And you would be satisfied with a limitation of the break of gauge to one particular gauge? Yes.

121. You see, you could specify whichever gauge would suit you, 2-ft. 6-in. or 2-ft.? Yes.

122. With regard to clause 3, Mr. Trent. The last words of it are: "and it shall be lawful for the company to construct tramlines of any grade that shall be provided with suitable machinery for the safe working of same." Who is to decide as to the suitability and safety of the machinery for the safe working? Well, my idea would be not to build anything that was not in a safe working condition somewhere else.

123. At any rate, you would not have any objection to the Engineer-in-Chief being made the authority in the matter? Of course, there is always an objection to giving one man absolutely vetoing power over another's operations. He may be unfamiliar with what we want to do, and his opinion may be against such a thing, for that reason.

124. Well, all mining companies have to accept the inspector's authority from time to time on very important matters, Mr. Trent? Yes; but I suppose that, really, if a question came up, and the mine inspector said a thing was not safe, and it was proved that it was safe, the Inspector's objection would be overcome.

125. *By Mr. Hall.*—You know, of course, that the Engineer-in-Chief is a thoroughly competent man? Well, as we don't want to carry passengers, and we take the risk of our own goods, we don't want to be confined by the limitations of ordinary railways. We should expect to be governed by the proper authorities as to not doing anything unsafe. I suppose all our operations are under the supervision of the Government.

126. *By the Minister of Lands and Works.*—Then, if this is not in the Act, you would not object to it being put in? No; not at all.

127. It would be in your interests, as well as in the interests of the general public? Exactly.

128. With regard to Section 4, Mr. Trent. Your object is, I suppose, to approach these sections—South Lyell, and Lyell Comstock, and any other section you have a right to proceed to—by different routes than those indicated on the original plan, here? Yes; a portion of that route we found to be impracticable by reason of the expense of construction, and our desire is to revise this survey, and get to the sections in a cheaper and more practicable manner; we were depending upon that survey for getting ores from the North Mount Lyell to the smelting works, but it is impracticable; and now, before long, we must have a line from the Linda Valley to the North Mount Lyell Mine itself.

129. Now will you tell us, Mr. Trent, what you want the powers in Section 5 for—the power to make branches to any mineral lands in the vicinity of Mount Lyell, Mount Darwin, or Mount Jukes, along any route that may be approved by the Minister? Well, in these sections there are mines developing, and all showing more or less ore; and the probability is that, after a while, it will be necessary to bring ore from them down to the smelting works. As I have before explained, it is impracticable to transport ore by any other means to any great distance, and before the companies could smelt their ore it would be necessary to have some form of tramway; we want to be in a position, when it becomes necessary, to go to the Minister with a plan, and get reasonably quick permission to go on with construction.

130. And this is something quite new—a new concession altogether that you are asking? It is new—yes.

131. You are asking for general powers, Mr. Trent, under Section 5, to make any branches in that district? Yes.

132. General powers? General powers—yes.

133. Powers of a very large nature, are not they? Well, yes; they give us our discretion as to which way we shall go; of course, we are still limited by —

134. You are asking for the power to go anywhere? To go anywhere, yes; of course, we are still limited by the law, which compels us to recompense any damage we may do to private parties.

135. That is not what I was anxious to bring out—Under Clause 5, you are really asking for something entirely beyond what was granted in the original Act? Yes.

136. To construct lines not contemplated in the original Act at all? Yes, feeders to the main line.

137. Well, in other private railway Acts these rights to make branches are restricted to such as may be granted upon a resolution of two Houses of Parliament. Have you any objection to that condition? Well, no; but we hardly know what we shall want at the present time;—these mineral

countries develop so rapidly that in the interests of the rapid development of the country it is necessary, we think, to have something less cumbersome.

138. Of course, you know there is always a means available for tapping a mineral section on an easement, without an Act of Parliament? Well, you see, by our method of operation, as, so to speak, the parent company, we expect to extend these tramways to the different sections, and, as a recompense, we expect to charge for carrying goods—which right is not granted to us under our easement. We want very little more power than we have got now. If that right to construct tramways to short distances for the carriage of minerals and flux was extended to ores and merchandise, it would answer very well.

139. But you have the right to construct lines to your own sections? Yes; but we are limited as to curves and grades.

140. But you are asking in Section 5 something quite new—something in addition to what was contemplated in the original Act? Well, to me, it only looks like an extension of the same Act to other sections—and if it is directly tributary to our railway line.

141. Cannot you see that you are asking for very broad powers—very broad, indeed—when you are asking the right to make a railway to any mineral lands in the vicinity of Mt. Lyell, Mt. Darwin, or Mt. Jukes? Well, it may look like a rather broad claim to make, but we think it is necessary.

142. Is it necessary for your present purpose to have that right, Mr. Trent? Well, I don't suppose that it is strictly necessary. It would be very valuable to us, and very valuable, we think, for the mineral field generally, if we did have that right. We would hardly want to go on anyone's section, or make anyone's section a terminus, without it was their desire to have us go there.

143. Well, if they intend you to go there for the purpose of carrying their ore for them, would it not be better for them to act on an easement first, and then for you to obtain power by Act of Parliament, taking each case on its merits? It is a very expensive process in the case of a company like ours.

144. But, supposing that power is granted by a resolution of the House—would you have any objection to that being made a condition with regard to Clause 5? Well, of course, we would prefer having to deal with one of the executive officers of the Government if we could, because we could gain such ready access to them. And we think that, if you will look at it, you will find that under that section some of the restrictions require to be removed. No amount of railways could make an undesirable monopoly there. No objection could be raised to any railway so long as it was properly constructed; nothing could result but great good to the district.

145. Does not Clause 5 practically give you the power to make a branch almost anywhere, from one end of your line to the other? Pretty nearly.

146. Therefore, you are asking for an unlimited right to make branches, irrespective of Parliamentary power altogether? Yes. We are so restricted as to natural routes that in very few places could these lines be extended; and it would take some time to survey and find out just where and how they could be extended. There are not many places there where you could build a railway or a tramway if you wanted to.

147. Will it be possible for you, Mr. Trent, before the Bill is dealt with by Parliament, to furnish approximate positions of lines that you contemplate under Section 6, so that you can give us an idea of what branches you really want to construct under that section? Yes, I suppose it would be. I don't know just all the leases that the company have got there. Of course, those that would be unprofitable, we should probably release. I don't know, myself, that that clause is particularly necessary to the Bill. We have already got the branch to the smelters.

148. That is one of the lines? Yes. The rest of it looks to be a very harmless clause, and seems to be covered by Clause 5. I think if we let Clause 5 stand, we might scratch out Clause 6 entirely.

149. With regard to Clause 7: you only want to make sure of your right to take land for station purposes? That is all—on our existing railway, and any branches that may be built.

150. You want the same rights as were conferred on the Mount Lyell Company by the Bill passed last Session? That would be sufficient for us.

151. In Clause 12 you are asking for forty years' lease, Mr. Trent: is there any particular ground for your having ten years longer than was given in the case of the other company, the Mount Lyell—would you be satisfied with the same concession, a thirty years' lease? Well, we would be thankful for the same; I don't know that corporations ever get satisfied. Sometimes, you know, we can profit by our neighbours' mistakes, or errors, or omissions.

152. May I ask what necessitates the proposal for the granting of additional leases to any land adjoining the land comprised in your lease, under Clause 16—is that for some special reason? I don't know, sir; that Clause 16 is rather a mystery to me. I have tried to interpret it, but I have not succeeded.

153. Now, Section 21, Mr. Trent, as to notice of purchase by the Minister: what is the special reason for the departure from the arrangement made under the original Act? Well, the object sought there was this: that we might, let us say, have a mine on any railway. Now, to conduct mining operations such as these it is very frequently necessary for the company to have all the profit that there is in the transaction. For instance, the profit on the railway might be sufficient to justify the whole of the mining operations; and, on the other hand, we might have to sacrifice any profits on the railway for the sake of making something of the mine. Thus, we

might have a fairly profitable mine that still could not pay ordinary rates for transportation. A great many of these ores on the West Coast are such that if you could only make sixpence a ton on them, it would yield a very handsome business, if carried out on a large scale; that is, if the railways and the mines were worked as one concern; indeed, as two concerns, it would be impossible.

154. Now, the Clauses from 22 to 32, Mr. Trent: are they really necessary for the present purposes of the company? I would rather leave that to our attorneys; I am not sufficiently acquainted with the law here, as yet, to know what powers we have got. We do require water, and we do require the power of conserving water. I don't know that we require any monopoly of water, only the right to occupy it in reservoirs or storage. If that is all obtainable, I don't know that the sections would be necessary.

155. It is not in any way relative to a railway concession, this right to supply water and electric energy, is it? No; I don't think that there is very much necessity for that.

156. You know that you have power under your Act to get whatever power is necessary for your railway? Yes.

157. And power under the Mining Act to get whatever power is necessary to work your smelters?

158. With regard to the right to charge for wharfage and dock rates, under Section 33, would there be any object to those rates being made subject to the approval of the Governor in Council? None at all. Under our plan of operation, we feel that we have got a large investment in railroads and other property, and we want to build up a population. We have no desire to extort. In fact, I would rather advise the company to open their wharves free to anybody who likes to come; and if we do charge, the rates are only likely to run into a small amount. Our interest is to build up that country, and to get a large population there. We don't want to monopolise, but to help the country to grow, believing that our investments will grow more valuable as it does so. I want to aid every enterprise there, as if we do that we increase the value of our own investments.

159. You are aware that—at any rate, nominally—a very high wharfage rate was imposed by your company? Yes, I believe so; but we don't try to collect it. I believe that was prohibitive.

160. But it is the present nominal charge, isn't it? I suppose it is.

161. And you could enforce it? I suppose so.

162. For instance, if one company you did not favour wanted to come to that wharf, and one you did favour wanted to come there, you could—I don't say you would, you know—charge one your present rate under the law, and return it to the other? Well, we have had that question under discussion. I think it would be very unjust to do what you say, and very impolitic.

163. But that is the present position? Yes, that is the present position; we could do so.

164. In regard, now, to Section 135. The company contemplate carrying on the business of sawmill proprietors? No, they have not; only to this extent—we have to have a sawmill, and it's pretty expensive to get timber there; but we thought that if we did occasionally get a piece of lumber too good for our own purposes sawn out of a log, we might store it and send it away. We do sell a little timber now: not because it pays us to do so, but as a favour to the people. We don't propose to go into the sawmilling business, because we don't believe the timber there would justify it. We can't get lumber there, unless we send it ourselves; and unless we sell it to the people there, they can't get it. Of course, the operations of a large company like that require an immense amount of timber.

165. With regard to the purchase of this land—if you got security of tenure of your land, Mr. Trent, you don't necessarily need to purchase it? No; but here is the principal difficulty that we labour under: in carrying on this organisation we have to get money; and in getting it the investors scrutinise our security very closely; and if there's anything to jeopardise the holders of securities, it is difficult to get money. I think if the tenure of our land were all right, we could get along. At the same time, it is very encouraging to hold the land in fee simple. We would not ask that if it was valuable land; but it is really some of the most undesirable stuff you can find in the country, and would be of no value to anyone, only for our operations or similar operations carried on by private companies. We consider that it is a very small block of the whole country we want, and our purchase of it will benefit the place for many miles around to the same extent as we benefit ourselves. It would be very desirable indeed that we should have a title to that land.

166. *By the Chairman.*—That is the land where your smelters are? Yes; and it would be very encouraging to the company.

167. *By the Minister of Lands and Works.*—One other question, as to this royalty. A sort of understanding was come to between your company and the Surveyor-General that a special royalty should be charged; and that is, I think, what figures here—a special royalty on timber? Yes.

168. And these prices were suggested? Yes.

169. But it was not contemplated, I think, to put it in this Act—the idea was to give the Governor in Council power to make special regulations for the disposal of timber to your company—I suppose it would be just as satisfactory if it were put here as power to make a regulation? I suppose so; I don't pay much attention to the timber portion of it—as to what relates to firewood. We are going to try and do our smelting with wood. If we do that—if the result of our experiment is satisfactory—we shall have to get special machinery. We don't want to get

machinery fitted up to work the smelters with wood, and then find the prices of wood raised on us to make the process more expensive. If we do succeed in this smelting with wood, it will benefit the whole district, because it will cheapen smelting operations to a considerable extent. One of our principal objects in doing this is that we may employ labour on our line. We want to employ all the labour that is possible on our own line. We want to build up the country. We don't want to have to send away for anything that we can produce on the property.

170. *By Mr. Hall.*—Turning to Section 22, Mr. Trent, we find here the reference to this water that you propose, under this Section, to supply to the mines and the inhabitants of Gormanston, Kelly Basin, and Crotty—and under the same Section, in order to provide that water, you want the right to all the rivers and streams in the vicinity. Now, there are no provisions here for the charges to be made for that water—would you object to the Committee amending this Clause, so that the inhabitants of Gormanston, or Kelly Basin, or wherever they may be located, will know exactly what they are to pay for the water? No; I have no objection at all.

171. Because, you see, under Section 28, there is a penalty provided: “Every person who, not having agreed to be supplied with water by the company, shall take any water from any reservoir, dam, aqueduct, sluice, or race belonging to the company, or from any other work or place containing water belonging to the company, shall forfeit to the company for every such offence a sum not exceeding Ten Pounds.” Now, you were speaking, in your opening remarks, about a desire to further the interests of the district, and I have no doubt that that is the object you have in view; but, of course, with regard to Gormanston, I have no doubt that you will agree with me that the Mount Lyell Company must be credited with having brought that place to its present stage? Exactly.

172. And, you see, under this Clause you want the extensive right to this water. Now, would you object to the Committee amending the Bill as I suggest: in the first place, by providing that the inhabitants shall not pay an exorbitant price; and in the second place, giving you the right to take a certain percentage of the water from these rivers? Well, I think, in these circumstances, we would be perfectly satisfied with that. The only way we look at it is this: we have to build these works; but in Gormanston we don't. We shall have to build a waterworks for North Lyell; but, at present, Gormanston has its own waterworks. If anyone wants that water we conserve, it is a slight source of income to us, and a great benefit to the people, who could not put in such an effective system as we can. I do not think, as far as Gormanston is concerned, that we want it at all. I don't know why it is put in there at all. Only, such works as we construct we would like to continue, and supply anyone that wants the water. We don't want to monopolise the water—especially for domestic purposes; we think that ought to stand first everywhere.

173. You see, Mr. Trent, of course, as a representative of the company, you tell us that you don't want to monopolise the water in any way; but on the other hand, you give evidence that shows that you do want to monopolise it. In reference to this particular Section, it is, of course, one thing to make a verbal statement when you want to do a certain thing; but we have to bear in mind that you are simply an officer of the company. But then you see, the shareholders, if they get Parliamentary sanction to this Act, can say, “We are going to monopolise”—what do you say to that? I quite understand that. We only wish to monopolise to this extent: we will go to a stream in one part of the property, and we will bring it to where it can flow naturally at the least expense. Of course, if we improve that stream, and require all the water, we monopolise it to that extent. But we won't monopolise it to the extent that other people can't use it for necessary purposes, and you will be amply protected if you make provision to prevent extortion or the charging of high prices for the use of it: we should not object to that. In fact, the supplying of water at all is such an insignificant thing that I would as soon see it out of the Bill; but I think it would be a benefit to the people at large that it should remain there.

174. But, as was pointed out by counsel for the Mount Lyell Company, we know that these things commence in a small way, and grow. He referred to one instance of that—the Niagara. That was looked on as a very different affair at first; but now we know what it is. The monopoly there now is creating a good deal of dissatisfaction. I quite agree with some remarks you made, to the effect that the possibilities and probabilities of that particular country on the West Coast no man can foretell; and, at the same time, I am quite willing to see justice and fair play extended to the North Lyell Company; but we must also admit that this State owes a great debt of gratitude to the Mount Lyell Company, and we must see that they are not injured in any way. What do you think? I would not claim or try to do anything that would interfere with the operations of the Mount Lyell Company. When I took charge of the company's business, I found they had been trying to reach the Comstock by going over the Mount Lyell Company's section, which I found the Mount Lyell people objected to, and I said “Let us go another way; get rid of them; let them alone. We don't want to interfere with their operations.”

175. Then, as the representative of the company, you would not object to an amendment of this clause, giving you a right to a certain percentage of the water? Now, coming to Section 35, where the company requires the exclusive and permanent reservation of all timber on these reserves; then the clause goes on: “The company shall pay to the Minister as the purchase-money for all timber removed by the company from the said areas, and from any other Crown land, a royalty of one shilling and sixpence per one thousand superficial feet for pine and blackwood, and sixpence per one thousand superficial feet for all hard and other kinds of wood, and one penny per ton of eighty feet for all fire and coal wood. The wood so purchased shall be the

absolute property of the company." I was not quite clear as to this. On paying the Government this royalty of one shilling and sixpence per thousand feet for pine and blackwood, and sixpence per thousand feet for hardwood, am I to understand that the company would have the right to supply the residents of Kelly Basin and Crotty, and practically become timber merchants?

Mr. Minister of Lands and Works: They do it without paying anything.

Witness.—No, we don't do it without paying anything. All the timber we supply in that way we are purchasing from the parties who are cutting it; and all we have supplied we have left an account of, and we can render an account to the Government, under this agreement, at any time.

Mr. Minister of Lands and Works: We are getting no royalty at the present time. This was suggested as a means of bringing about a method of charging the company, so that they should not be in a better position than the ordinary sawmiller.

176. *By Mr. Gaffney.*—Mr. Trent, it has been said that your narrow-gauge line from Gormanston to Comstock, and these places, would pass over the Mount Lyell Company's sections. Do I understand from you that you propose to abandon that idea? We propose to abandon it because of their objections. That is one reason of it. Of course, Mr. Gaffney, we have the right to go over that land now with a three-and-a-half-foot gauge. We do not intend to go; but we don't want to abandon any right that we have got. We have no intention of doing that, and I don't think we will have in the future. We would rather go to a field where people wanted us than to a place where there was no chance of getting patronage.

177. With regard to Section 33 and the question of wharfage and dock rates, how does the company propose to have this scale of charges made out?—By the approval of the Governor in Council?—Are the company prepared to do the same as the Government in carrying it out; for instance, empties are generally carried back free: will you do that? I believe they are doing that now. We are quite willing to have all our charges as common carriers or purveyors regulated by the Governor in Council.

The witness withdrew.

J. F. ANDERSON, called and examined.

178. *By Mr. Simmons.*—What is your name, Captain Anderson? John Frederick Anderson.

179. And you are a Director of the North Lyell Company? Yes.

180. And until recently, I think, were living at Strahan? Living at Kelly Basin.

181. And superintending the operations of the North Lyell Company, on the West Coast? Yes.

182. The original Act was granted to the North Mount Lyell Mining Company, No Liability? Yes, sir.

183. And the present Bill is in the name of the North Mount Lyell Copper Company, Limited? Yes, sir.

184. And, I believe, the reason of that is that, at the end of 1897, the one company became merged in the other? That is quite right; it was refloated.

185. And largely extended? And largely extended—yes.

186. And the old company became merged in the new company? Yes; it became a new company.

187. And the railway and other works were carried out by the new company? Carried out by the new company, as you say.

188. And all the rights of the old company are vested in the new company? Yes, sir.

189. Will you tell us what has been the total expenditure of the company, up to the end of May; first of all, on railways? On the railway, £309,146.

190. And on the aerial ropeway? £10,493.

191. And on the brickworks and sawmills? £23,279.

192. And on buildings and plant? £15,862.

193. And on the mine itself? £111,960.

194. And on the smelters? £5865, up to that date.

195. And there has been a large item incurred, I think, for transport in Tasmania. What does that amount to? £8000 in Tasmania; and then there are other initiation expenses, £16,796.

196. That makes a total expenditure, up to the end of May, of £501,401? That's quite right, sir.

197. Now, that £5000 for the smelters—that does not include the expense of the machinery? Oh, no; I should say the smelters will cost £200,000 more than this, and the branch lines something like another £100,000. That will bring it up to about £800,000, in all.

198. Look at Clauses 5 and 6 of the Bill, Captain Anderson: I don't think I need trouble you about the earlier ones. Will you give the Committee information as to these clauses? Well, the reason they wish for the privilege of building these branches is that the people who own the North

Mount Lyell practically own the most of the other mines about there ; and they wish to open them up, and build branches to them.

199. "These other mines," you say. What mines are these? Well, as a matter of fact, the North Lyell Copper Company owns the Consols Extended and the Lyell Pioneer. The same directorate and the same shareholders are largely interested in the Comstock and the Tasman companies. They operate them, and the same shareholders are the shareholders operating with them. Then, over and above that, affiliated with them there are the Anaconda, the North Lyell Consolidated, the Crown Lyell, the South Lyell, and the Consols, and the Extended. Then, when you come to Mount Jukes, there are the Mount Jukes Proprietary, the Lake Jukes, and the Jukes Comstock. Then, on the Darwin field, they are interested in the Mount Darwin Proprietary, and, I think, one or two others. I don't remember just now. That is the reason they wish to have the branches: they wish to go to their own properties, practically.

200. Well, it is not proposed in any way to interfere with the Mount Lyell Company? Not in the slightest, so far as I know. I don't know that we are going near the Mount Lyell Company's property. I could not be quite certain as to that ; but we don't go near the Mount Lyell Company's mine. We have kept away from them altogether, so far as I know.

201. Now, as to the additional powers sought: the Minister suggests that the company might agree that any branch proposed to be constructed should be approved by resolution of both Houses of Parliament. What do you think? Well, the only objection I see to that is that we might have to apply for a branch, say, within a fortnight or so of the House breaking-up. In that case we would have to wait six or seven months before we could take any steps to construct the branch.

202. *By the Minister of Lands and Works.*—You can always construct on an easement? We have no objection to that, sir ; but—

203. *By Mr. Simmons.*—But your idea, really, was to make it subject to the approval of the Minister, so as to get expedition? Yes ; that is the whole and sole reason. The Minister would have his legal officers near him to tell him what was right or wrong. There is no wish at all on our part to do anything improper, or that could possibly be considered improper.

204. Now, will you just look at Section 9. That, you see, is a proposal to fix rates and toll by arbitration—why is that? This has arisen, sir, from the fact that under our original Bill we have the right to make certain tolls and charges—the same as were in operation on the Zeehan and Dundas line at the time of the passing of that Act, and not exceeding that. Well, that would be all satisfactory enough ; but there is a saving clause, by which the Governor in Council can alter these rates and charges. That is where the trouble comes in. You see, although the Government railway can quite easily reduce its rates and tolls and charges to a minimum—or even to a loss, if necessary—a private company could not possibly do so. And in the case of the Government exercising this right to reduce our tolls and charges to the point of loss, we wish to put it to arbitration, as to whether it should or should not be so. That is the whole reason.

205. That power has already been conceded to the Mount Lyell Company by their Act of 62 Victoria, I think? Yes, sir ; the Mount Lyell Company got the power in that Act.

206. Now, referring to Section 12, Captain Anderson. You are asking there that the special lease should be for the term of forty years, and it has been suggested that thirty should be the maximum, as it is in the Mount Lyell Act—what is the reason for your company asking for the additional ten years? Well, in asking for the additional length of time, we are making a promise of the expenditure of double the amount of money the Mount Lyell undertook. The Mount Lyell undertook to spend £200,000 ; we are spending double that, and so we ask for ten years longer.

207. When the original Bill was before the House, the estimate of the cost of your railway was only £92,486 10s.? Yes ; that was estimated on a 2 ft. 6 in. gauge. After that, we decided to raise debentures, and go to work on a larger scale altogether.

208. And since then you have constructed the line on the larger gauge at much extra expense? That is so, sir.

209. And it is because of that extra expenditure that you are asking for the powers under Clause 21? That is it, sir.

210. Now, Captain Anderson, what do you say with regard to these water rights given in Clause 22 and onward? Well, I think Mr. Trent has very ably expressed all there is to say in connection with those clauses. The company's intention is quite open, I may say ; they don't require to be protected in any way whatever. They simply want to have enough water to carry on their operations, and make their mines pay their way. As I said just now, they don't want to be protected in any way whatever ; but if it is not considered objectionable in any way, we thought that, if the people about there asked us to supply them with water, we might be permitted to give it to them without committing a wrong act. Speaking as far as the company is concerned, if that clause is objected to, we should not object to it being taken out of the Bill, but the circumstances should be considered. By the means of this railway we have brought the population there, and by means of giving the population necessary facilities, such as water and electric power, we should increase it. Many of the mines round there are very low-grade, and simply can't afford to put up a plant ; but if there is a large plant put up at our place, and we can supply them with power at a minimum rate of cost, they can go on and develop their properties, and probably turn out a very fine thing.

211. Now, with regard to these water clauses: you are not in any way seeking to interfere with the Mount Lyell Company? Not at all. In talking of these things, we did not dream that we came within many miles of the Mount Lyell Company's interests.

212. You don't think the proposed works can interfere with the Mount Lyell Company at all? I don't think they can. Whatever Bill passed, we should not be allowed to interfere with the Mount Lyell Company's present works. They have all the water they require. If it were not so, they would get more. Of course, if their objection is based on some calculations of theirs looking further ahead, we are the first on the field, and it is not fair that this water should be saved for anybody else. Otherwise, that might apply in every case, and nobody could get any rights at all.

213. Now, with reference to Clause 27: I suppose the company has no objection to these charges for water being fixed by the Governor-in-Council? Not the slightest.

214. And, referring to Clause 33, Captain Anderson, the rights to charge wharfage and dock rates? Well, this is a clause I can't say I thoroughly understand myself; but one of the directors wished it put into the Bill. It seems that, under the original Act, some doubt has arisen as to whether we have the right to charge these rates. We have the right to build piers and wharves, on condition that all classes of vessels may be allowed to come to them on payment of certain charges. Well, one of the directors reads that in this way: that if we charge a ship the dues that we can charge, which, in fact, we never have charged, the vessel has the right to land goods on the wharf, and people living in Kelly Basin could, if they liked, come on to the pier and wharf with horses and carts, and take away their goods. On this point, according to our present Act, the directors doubt whether we would have the right to stop people coming along with horses and carts, and breaking up our piers and wharves; and we maintain that we should have the right to prevent the destruction of our property, to handle the goods ourselves, and take them off the piers and wharves in a proper manner by rail. We have already got by-laws passed which give us the right to charge; but, as I say, one of the directors did not think that was enough, and so we had this clause put in.

215. Then that section is merely to clear up a doubt? To clear up a doubt, exactly.

216. *By the Minister of Lands and Works.*—Do I understand, Captain Anderson, that you want the right to make a double charge: a charge for the ship and for the goods too? No; we are not going to charge the ship at all. I think, as a matter of fact, that the charge for the ship could be cut out of the Bill altogether.

217. *By Mr. Sadler.*—What you really charge is wharfage rates? Wharfage rates, yes. No ship is likely to come from Melbourne to Kelly Basin with all Kelly Basin cargo. Well, say that a ship of 500 tons brings twenty-five tons of cargo for Kelly Basin—if that ship were charged a shilling a ton on 500 tons the freight would not go near covering the charges.

218. *By Mr. Simmons.*—In Section 34, you ask, first of all, for the right to purchase the clay reserve. Yes, sir. Well, that is a piece of land that has a very good body of clay in it, away back some distance from our main line; but to get to it was the only difficulty. As a matter of fact, there are various other good bodies of clay about the place that ought to have been taken up in place of this. This land has cost us altogether—including the brickworks and saw-mills—about £23,000. I suppose the buildings on it have cost £10,000; making the land and filling up the swamp accounts for the remainder. No man in the world could possibly have gone there, had it not been for our company. Any value the land has we have given it, and we feel, at present, that we are being charged too high a rental—£2 10s. per acre. We have been putting in a small railway branch there, and we reckoned and measured the filling necessary for this work to be 5000 yards. Well, we have already put in 1700 yards without having accomplished our task yet, and we reckon it has gone down 13 feet. The place is absolutely a bog-hole, and, when I spoke to the gentleman who came round for the Government, to value it—Mr. Penny, I think it was,—I said the place is not worth a farthing a hundred miles, and he said, "No; but you have made it so."

219. You also seek in that section for the power to purchase that other site of eight hundred acres, or a portion of it, at a price not to exceed £2 per acre? Yes. I consider that would be giving the Government a good deal too much for it. They will sell the best land in the country for £1 per acre, and here we are offering £2 per acre for the very worst. The only reason we ask this is, as I said just now, to satisfy the shareholders; they feel more secure and much safer if they have a title in their property.

220. Well, look at Section 35, Captain Anderson, will you—you know something about this question of the timber reserves? Well, I have been in correspondence with Mr. Counsel about this matter: in fact, I have had some personal interviews with him. In our own Act we have the right to take all the wood we require for any purpose whatever in connection with the railway, as long as the railway is in existence. During the construction of the railway the Minister, at the time, very kindly reserved certain parts for us, so that they should not be interfered with by anybody else. Our line went through these reserves, and before we put the line there no one could get near the reserves to take the wood. We are now asking the Government to reserve these places in the future for us, for all time, or as long as the line lasts; and to save all bother or misunderstanding as to which is the company's own wood for railway purposes, and which is the company's wood cut by licence, we have formulated a scheme to put so much royalty on all wood we get. We are willing to surrender our own rights to this wood, given us under our Act, and pay upon all we take; and on that undertaking we ask the Government to reserve these sites for us.

The witness withdrew.

FRIDAY, AUGUST 30, 1901.

MR. M. W. SIMMONS (instructed by Messrs. Simmons, Crisp, and Simmons) appeared for the North Mount Lyell Copper Company, Limited; and Mr. R. E. Macnaghten (instructed by Messrs. Butler, McIntyre, and Butler) for the Mount Lyell Mining and Railway Company, to object to certain clauses of the Bill.

J. F. ANDERSON, *examination continued.*

Mr. J. F. Anderson was recalled, and further examined.

221. *By Mr. Simmons.*—Referring to these timber reserves, Captain Anderson: will you explain how the royalty mentioned in this section has been fixed? Well, I will start from the commencement of it. The reason of it is, that in the original Act we had a right—and we have that right still—to take all the timber that we could possibly require for the construction of the railway. If you have got the Act here, I can read out what it is. “The Company may from time to time, for the purposes of this Act, fell timber and use and carry away the same,” and so on. Well, we do that for the purposes of the Act. Among other things in Section 37, it says—“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 beforementioned works or any of them, and substitute others in their stead: To do all other acts necessary for maintaining, altering, or repairing and working the railways.” Well, when we first went there, knowing that we should require a lot of wood for these purposes, the company put men to work, and cut down about a million feet of pine wood in their reserves, but we were unable to get at that pine wood until the railway had passed the locality where it was lying cut. We have bought 500,000 feet, and we have pulled some of this wood out of the bush since we have had the facilities for doing so, by our railway. The Minister thought we had cut this wood improperly. It is not so. We have taken legal opinion on the point, and we find that what we did was perfectly justified under the Act. But the Minister has also taken legal opinion, and the opinion given to him is the reverse. The result was that the Minister was not quite satisfied, and we are not quite satisfied. I saw the Minister, and he said, “You draw out some sort of formula of what you propose to do.” As it is now, we have a right to the wood for certain purposes, and we must buy it for building the smelting works and certain other purposes. To do away with all that complication we proposed this arrangement. You see, we might cut a tree down for purposes of the railway, but it might happen that the tree would be used for other purposes; the general manager cannot watch every tree. Well, that, of course, might cause trouble, so I thought we had better have a royalty on all timber taken by the company, and have done with it. I proposed a royalty to Mr. Mulcahy—tenpence per thousand feet on pine, tenpence on hardwood, and a penny per ton for firewood. He agreed to the penny per ton on firewood, and he thought the royalty on hardwood might be reduced to sixpence, but he thought that two-and-six was a fair price to put on pine. I said I would rather go back to the old method of licences than pay two-and-sixpence for pine, and, eventually, he accepted one-and-six for the pine. As a positive fact, at the end of twenty years we shall have paid more to the Government for this concession than we should have paid if we had not got a concession at all. But it does away with all friction and trouble, and it is better that that trouble should be done away with. As a matter of fact, I know that four men with a good number of horses can easily cut down two pine-trees a day, and pull them out to a station, as the law says licensed men must do. That would be, say, 4000 feet of pine. The four men’s licences would cost 5s. 4d. per day; whereas, if I pay 1s. 6d. a thousand feet on pine, I pay six shillings for the 4000 feet, a great deal more than if I had it cut by licence. Over and above all that, I am resigning all my rights to wood we can legally get for nothing. It is done simply to clear up all doubt, and make everything clear, so that there will be no trouble in the future. I am proposing to pay for the pine already cut in the bush. As far as the royalty paid on firewood is concerned, I think anybody here will bear me out that anyone with a licence of five shillings a month, or twopence a day, could bring in two loads daily. The price paid is five shillings per ton, and any man who can’t bring in two tons a day and earn ten shillings is not much of a man. So that the price we propose paying is quite as much as the Government would receive were the wood cut by licensed men.

222. *By Mr. Macnaghten.*—Mr. Simmons has suggested to me that, we should officially state what has been already unofficially stated: that we confine our objections to this Bill to the Sections which have already been mentioned, namely, 5 and 6, and 22 to 27, inclusive; I thought it was just as well to state that now. Captain Anderson, I understand, from your evidence-in-chief that your desire is simply to protect the interests of your company? That is all, sir.

223. You don’t want to interfere with any other body’s rights at all? No, sir.

224. Now, a suggestion was made yesterday, by the Minister of Lands with reference to Sections 5 and 6—a suggestion that something might be substituted for these. Would you have any objection to that, supposing your interests were still protected? No, I don’t think there would be any objection to it if our interests are protected. The object is really to get to mines that we consider as being our own, or mines that are affiliated with ourselves.

225. And would you not be sufficiently protected by the regulations of the Mining Act? No; that does not carry us far enough.

226. You know the Great Midland and West Coast Railway Company Act, 63 Victoria? No, I don't know it; never saw it. Of course there are questions that are better answered by Mr. Trent than by me, because he is a railway man, and I am not.

227. The sections are:—"The Minister may from time to time, with the consent of the Governor in Council grant to the Promoters for the unexpired residue of the term of the said lease a lease of any piece of Crown land, not exceeding one chain in width, for the construction thereon of such branch lines of railway from the said railway to such termini within the boundaries of any land leased to the Promoters under Part XIII. of this Act, as may be determined upon by the Promoters, and approved by the Governor in Council." That refers to leases of branch lines of railways on land held by a company? I don't think that would meet our case.

228. Well, may I just finish—I will take the second part of the Section:—"Any such leases as last aforesaid, shall be subject to all the provisions of this Act, so far as the same may be applicable, and shall contain such of the provisions and stipulations hereby required to be contained in the primary lease as the Governor in Council may think necessary or applicable to such branch lines or otherwise, and shall be renewable in like manner with the primary lease. Provided always, that no branch line of railway (other than a branch from the said railway to a terminus within the boundaries of any land to be granted to the Promoters as hereinafter mentioned), shall be sanctioned by the Governor in Council until such branch shall have been first authorised by a resolution of both Houses of Parliament." What do you say to that? That would not suit us at all, sir. It has nothing at all to do with us.

229. Of course, Captain Anderson, we don't mean to imply that the wording should be exactly the same, but that the principle of sanction by the Governor in Council and a resolution of both Houses of Parliament should be adhered to. What do you think? The sanctioning of these branches by the Governor in Council and the Minister is not objected to at all; but the reason why we object to the resolution of both Houses is that we take it that the Minister is the representative of Parliament, in a sense. The Houses are not in session during six or seven months of each year, and if we wanted a short branch that would not interfere with anybody and that Parliament would not think of objecting to, we might have to wait six or seven months before we could get a resolution of both Houses, owing to the Houses not being in session.

230. The objection, then, is that the Houses are not always sitting? Yes, that is the objection.

231. But I think the Minister showed yesterday that that objection might be got over? In what way?

232. It might be done with an easement, under the Mining Act? Well, we can do that without going to the House at all. We are going to the House for something we can't get without.

233. But, as far as the delay is concerned, would it not be provided against in that way? No; that would not meet our case. We can do that without going to the House, I understand.

234. Now, I think I may take it that, so long as your interests are protected, you have no desire to interfere with anybody else? No; not the slightest. All we wish to do is to get to the mines and get the ores away from them. The mines are useless if we cannot get to them.

235. Now, Captain Anderson, is it not possible that, at some future time, you might want to go through the Mount Lyell property? Well, we have a right to go through in that case, unless it was objectionable in some way, and we did harm to the Mount Lyell Company.

236. No doubt you would have to pay compensation; but that is not the point? We do not want to give compensation. You want to interfere with us doing our work.

237. No; we do not want our work to be interfered with. Is not that it? But we could not be interfering with your work.

238. If these clauses are passed as they stand, is it not possible that you might in the future interfere with their working? I do not think so. I do not think we would be allowed to do so. The law would not allow it.

239. Are you aware that Mr. Sticht is strongly opposed to these clauses, and on that ground? I do not think that there is the slightest chance of our ever going near them. We wish to do our work, and I do not see any other way of doing it. You are amply protected. We cannot interfere with your working. I am not certain whether we shall ever go on your property; but we do not want to do it. We are not going to the South Mount Lyell to get to the Comstock.

240. I am talking of the future, Captain Anderson. Don't you think there is some warrantable ground for Mr. Sticht's objection to these two clauses? I don't see it; because I think Mr. Sticht is protected. You have had Mr. Trent on the railway matters; I am not supposed to know anything of railway matters.

241. I understand, then, that, as far as this particular question is concerned, your evidence is not so valuable as Mr. Trent's? No, it is not.

242. Then, if Mr. Trent said yesterday that he had no objection to something else being substituted for these two clauses, his opinion, of course, is the one we ought to go by? I don't know that Mr. Trent said that something else being substituted for the two clauses in question would suit the company.

243. Now, is it not a fact, Captain Anderson, that under your former Act you had surveys made across some of the sections of the Mount Lyell Company? And we can go there now, without any new Act at all.

244. Are not you trying to extend in that direction? No; we are not. We are looking after our own properties. We can cut across their property to-day, if we want to.

245. And if you do go across? I have told you we shall not. We are not going across their property with this line, at all events. I don't see anything we would gain by doing it.

246. But supposing you change your mind—surely going across that property does interfere with their work? But we have the right, whether it interferes or not.

247. Is it not a fact that you are trying to extend that principle? No; we are not.

248. Now, with regard to Sections 22 to 27: these are the sections dealing with the water-power—did not your company abandon those water powers when your Bill of 1897 was before the Committee? I was not here, sir, and do not know.

249. And you cannot tell me that? No.

250. You don't, in any way, seek to get a monopoly? No; not in the slightest, sir.

251. *By the Chairman.*—This Section 5, Captain Anderson—you can do nothing, then, without the route being first approved by the Minister? No.

252. So, that if you contemplated cutting through the Mt. Lyell, or any other company's property, the plans would be first submitted to the Minister? Yes; we have no idea of doing anything that is wrong. We want to work with certain mines that cannot be worked without the line.

253. *By Mr. Hall.*—You represent the North Mount Lyell, do you not, Captain Anderson—Tasmania's representative for them? Well, no; I can't say that I am exactly in that position. I am on the directorate at the present moment; and I may be over here permanently.

254. Would you object, in Clauses 5 and 6, to the addition of the words "with the consent of the Minister of Lands and the approval of the Governor in Council? No, sir.

255. Because, you see, these particular clauses give the whole power to the Minister? Yes, sir; the Minister was brought in instead of the House, for the reasons I have stated.

256. The matter would be first submitted to the Minister, and he would get the consent of the Governor in Council? We would have no objection to that.

257. Well, now, dealing with Sections 22 to 27. You claim, or seek to obtain, under Clause 22, the exclusive monopoly of the whole of the water, not confining the water to any particular area. You seek to obtain the right to divert any rivers, streams, or watercourses on unoccupied Crown land? Yes, sir.

258. And a portion of that water you propose to supply to miners and inhabitants of Gormanston, Kelly Basin, and Crotty. Now, I suppose you saw this Bill during the course of its preparation? Yes.

259. Are the Committee to understand, then, Captain Anderson, that you seek in this Bill, and are desirous of obtaining, the whole and sole control of all the water in these particular districts? Oh, no.

260. Then, you would have no objection to an amendment of that section? Oh, no, sir. As far as the supply of water to the public is concerned, it is really immaterial to us.

261. But you must look at it in this way, Captain Anderson. Mr. Trent pointed out that your whole object is to induce the people to settle there? Yes.

262. Well, when you have induced them to settle, they cannot exist without water. That is why I want to know whether you would have any objection to a limit. You see, when you come to Clause 28, we read: "Every person who, not having agreed to be supplied with water by the company, shall take any water from any reservoir, dam, aqueduct, sluice, or race belonging to the company, or from any other work or place containing water belonging to the company, shall forfeit to the company for every such offence a sum not exceeding Ten Pounds." You have read that clause, I suppose? Yes; but—

263. *By the Chairman.*—That only applies to water taken from a reservoir, or something of the kind. It does not prevent them from going to a river for water? No.

264. *By Mr. Hall.*—But, if I am a resident, and care to pay the company, say, £1 a month for the supply of water to my residence, and I go to a reservoir or race, and take a bucket of water, I am liable to a penalty of Ten Pounds. Section 22 gives power to lay down pipes, mains, and everything else? Yes.

The Chairman: No-one has a right to go to a reservoir and take water. You could not go to the Hobart reservoirs and take water from them.

265. *By Mr. Hall:* There are municipal by-laws, under which they are allowed to supply persons with water for household purposes. We have not found out from Mr. Trent or Captain Anderson the terms on which this water will be sold, and if the Committee come to give the company the whole right to that water, they may say to the residents, "You have to take the water, and we shall charge you whatever we please for it. We know that Mr. Trent and Captain Anderson would not do that; but they are only officials of a company."

Mr. Simmons: We have no objection to an amendment providing that the charges can be fixed by the Governor in Council.

266. *By Mr. Hall.*—Then, you would have no objection to that, Captain Anderson? No, sir; but I may say, while I am talking about the water, that I don't anticipate that anybody will require the water. Take my own case—I have lived in Kelly Basin for over a year—I can get more water than ever I want to use, without buying water from anybody.

267. That is all very well; but you are putting up enormous works, and are going the right way to establish a large population. Some of those you may have to supply may be a class of

men who, perhaps, may be a nuisance to your company, more than otherwise. You might charge anything? Well, as I said just now, the rainfall is sufficient to give a good supply from the roof of my cottage, as far as my experience goes. It has been so in my case with one tank—sufficient for domestic purposes and for working.

268. Now, with reference to these nineteen acres. You seek to obtain them by paying a sum not exceeding £1 per acre. Is this land suitable for building allotments? Well, you could build on some of it, sir; especially as we now put earth there that makes it possible to build on it.

269. I take it, Captain Anderson, that the object of your company is to secure these nineteen acres of land, and when you get it, to do what you like with it? Well, we don't mean to sell blocks of it. We shall work it as a clay area, and, perhaps, allow the people working at the brickworks and sawmills to lodge on it, and be handy to their work.

270. You seek to purchase this land, and do as you like with it when you get it? Well, that is what it comes to. Our brickworks and sawmills are there; and as to them, we have nothing to do; what had to be done, is done. All the works are in operation, and we have made something like two millions of bricks already. There are two lines of railway running over it. It is on the foreshore, near the main railway, but it is really some distance from the township, although it is nominally in it. You see, the town area is about as large as Liverpool, and it ought not to be. It is a good mile from the town; but it is in the township as allotted by the Government.

271. At one point here on the plan it just touches the foreshore? It just crosses our railway. The railway works in it.

272. The land is perfectly worthless? Well, no; it was.

273. Then your, whole objection, I take it, Captain Anderson, is this: you want to secure a fee simple of this piece of land, to prevent interference in the future with the carrying-on of your brickworks and sawmills—that is the object? Yes; that is so. And then the question of finance steps in. English shareholders don't like an improper title.

The witness withdrew.

WEDNESDAY, SEPTEMBER 4, 1901.

MR. M. W. SIMMONS (instructed by Messrs. Simmons, Crisp and Simmons) appeared for the North Mount Lyell Copper Company, Limited, and Mr. R. E. Macnaghten (instructed by Messrs. Butler, McIntyre, and Butler) for the Mount Lyell Mining and Railway Company, to object to certain clauses of the Bill.

R. C. STICHT, *called and examined.*

274. *By Mr. Macnaghten.*—What is your full name, Mr. Sticht? Robert Carl Sticht.

275. And you live——? At Queenstown.

276. And you are General Manager of the Mount Lyell Company? Yes, sir.

277. Now, with regard to this Bill, will you turn to Sections 5 and 6, please—but, first of all, may I ask if you have read this Bill through? Yes, Mr. Macnaghten.

278. Well, now, will you please tell us what are your views, so far as the interests of the Mount Lyell Company are concerned, with reference to these two clauses? Well, the Mount Lyell Company finds that the verbal expression of the clauses is rather vague, and, to a certain extent, involved, so that the powers of the North Mount Lyell Company are not sufficiently technically defined as it is customary to define powers in Acts of this kind. In Clause 5 the approval of the Minister is required to any branches; but there is no mention of any Parliamentary sanction, and that ought to be introduced. Under Clause 6 no reference is made to approval by the Minister or Governor in Council, nor to Parliamentary sanction. Clause 6, of course, gives more extended powers than Clause 5; in fact, Clause 5 might be considered to be a special application of the powers granted in Clause 6. And in the case of Clause 5, I may point out that it has been customary heretofore, when branch lines are required, for certain plans, showing precisely where such lines are to be run, to be deposited first, before permission is given to construct them, either by the Minister, by the Governor in Council, or by the Houses of Parliament. There is no reference to that restriction in this Bill.

279. *By the Chairman.*—You might confine yourself more to the objection of the Mount Lyell Company to this Bill? The objection of the Mount Lyell Company follows, as a matter of course, on what I have just said; inasmuch as the conferring of any of these vague powers might afterwards interfere with the powers we possess at the present time, or the powers we may want to acquire in the future.

280. *By Mr. Macnaghten.*—Coming back to Clause 5, then: you think that that clause would injure the Mount Lyell Company? Yes; as it stands now, it certainly could be made to injure the Mount Lyell Company, in allowing any route to be approved by the Minister only. That route might pass within the reduction works of the Mount Lyell Company—within a few feet of it.

281. *By the Chairman.*—Now, is it likely the Minister would let another company's line go through your reduction works : put a reasonable construction on it—is it likely? No, it is not likely, certainly ; but lines might certainly be made to cross some portion of our leases.

282. *By Mr. Macnaghten.*—Then we understand you to say, that Clause 5 would directly injure the Mount Lyell Company? It might be so interpreted as to injure our interests ; because the description of the routes is too ambiguous and too liable to an interpretation which might interfere with our line and the various rights which we already have, or are likely to acquire. Because our policy, like that of the North Mount Lyell Company, is also one of expansion, naturally.

283. Do you know Clause 12 of the original Act : if that were slightly modified, would not that be sufficient for the North Lyell Company?

Mr. Simmons objected : The objection of the Mount Lyell Company is to two clauses, I take it ; and only so as to show that the interests of the Mount Lyell Company are to be prejudiced by these clauses. We have to pay for all this matter ; and what is the use of taking up time by discussing matters as to whether something else would or would not injure the Mount Lyell Company?

Objection over-ruled.

284. *By Mr. Macnaghten.*—Well, Mr. Sticht, do you think that Section 12 of the original Act, with any modification, would meet their requirements? Well, I dare say that could be effected to the satisfaction of the North Lyell Company itself, as well as that of the Mount Lyell Company.

285. Have you any other suggestions to make as to these clauses? Oh, I don't know that it is necessary for me to make suggestions ; because I am not formulating any clause myself. I am simply stating what might interfere with our own interests or rights. I would simply suggest that precedents should be followed in these matters.

286. It was suggested to the Committee—you were not here, Mr. Sticht ; but it was suggested by Mr. Hall, or by the Honourable the Minister of Lands, that they could get the same privileges by resolution of Parliament. Would that satisfy you? I think so. That would only mean the addition of certain clauses we find in other Bills. We have one in the Queenstown and Gormanston Tramway Bill which does not allow us to make any branches without the sanction of both Houses of Parliament—a principle laid down, I believe, in other Acts also. There could be no objection taken to that by anybody.

287. And that is a course that would be approved of by you? We would not object to it. I am not in a position to suggest what the Government should do. Referring again to Clause 5, I might state that the original Clause 12 of the old Act limits the branches to a length of five miles. From my own point of view, I quite appreciate the desire of the North Mount Lyell Company to have their distances extended ; but, to leave it indefinite, and to say merely that the branches are to be made within the vicinity of Mount Lyell, Mount Darwin, or Mount Jukes, along any routes that may be approved, provides for much more than five miles. These branches might be extended to such an extent that the main line of the North Lyell Company would, in the end, only be a branch of them. It is quite possible ; and for that and similar reasons, I think the North Lyell Company should be quite willing to submit plans of any branch of that kind to the Governor in Council, or some other body, and state definitely where any branch is to be taken. Much the same is true of Clause 6.

288. Now, Mr. Sticht, will you turn to Sections 22 to 27 : what do you say about this power proposed to be conveyed ; first of all, under Section 22? Well, there is a certain lack of precision in the way the powers are formulated, which is quite parallel to the lack of precision in Clause 6, as far as the branch lines are concerned. If the clause is carefully considered, you will find it conveys the right, not alone to conserve water for the purposes of electric light, energy, power, &c., in the vicinity of Mount Lyell, Mount Darwin, and Mount Jukes, but also on any unoccupied Crown lands, in addition to Crown lands held by the company ; and it is possible that my own company might also have some desires in that respect ; and these extensive powers given to the North Lyell Company under the provisions of this clause, without making it necessary for them to go through the ordinary process of applying for a water-right, are somewhat inimical to our interest, as well as that of other people. As has been said before, the clause practically gives the North Mount Lyell Company the monopoly of all the water of a very large district ; and the expression "unoccupied Crown lands" might be interpreted to mean any other lands anywhere else in Tasmania—not alone Mount Darwin, Mount Lyell, and Mount Jukes. The company might go to other places, apparently, just as they pleased. I am, also, not very clear whether this clause would not override any water-rights such as we possess.

289. *By the Minister of Lands and Works.*—Are all your water-rights held under the Mining Act, Mr. Sticht? Yes. Of course, they are incorporated under our special leases in the ordinary way. My own impression is that that would be a sufficient safeguard for the North Lyell Company's interests, too. The water question—much as it rains on the West Coast—is rather a serious one ; because, with the many competitors there now, and the large number that will no doubt be arising in the future, the quantity of water is, after all, insufficient, and not very large. The object of the North Lyell Company in that clause is, of course, to get the right to conserve the water. However, once that is done, it may interfere with any man who is getting water from the same river now. Such a man could have utilised it without a dam, but he will have to pay tribute to the North Lyell Company, just because they have thrown a dam across

the river for purposes of their own. We may in the future be in the position of that man; and we consider the clause unnecessary.

290. *By Mr. Macnaghten.*—Well, Mr. Sticht, Mr. Trent, in his evidence, has repeatedly stated, "We have no wish to monopolise the water." Are we to understand that you say this section does give a monopoly? A practical monopoly, as it stands. I have no doubt it would result in a monopoly.

291. And you think that monopoly would extend not only to land in the vicinity of Mount Lyell, Mount Darwin, and Mount Jukes, but also to all unoccupied Crown land in the State? Well, I think it reads that way here. I may be mistaken; but I think it reads like that.

292. And that might seriously interfere with your right? Undoubtedly, it might. It might hamper us in getting other water-rights we might be desirous of obtaining in the ordinary way. In fact, I am not sure that that clause as it stands does not interfere with rights we now possess.

293. Now, with regard to your own position, Mr. Sticht: how do you get your water-power? We have no water-power; but we use water for other purposes.

294. I mean how do you acquire your water-power? You mean, I think, how do we get the water we use.

295. Yes? Well, part of it is pumped; and some is run in by means of flumes, and races, and ditches, and some by piping. We obtain it under the Mining Act.

296. And you find that sufficient? We find that sufficient—yes. The only distinction in our case is that the water-right does not allow us to charge for it to anyone to whom we may let part of this water.

297. But you get your water under the Mining Act, and you find it quite sufficient for your purposes? Oh, yes; we consider that is all we will ever require.

298. And do you see any reason why this other company should have any other right than you have got? No; but their object is, of course, that they want to get a rental from their rights.

299. How much water a day do you use for the smelters? At the smelting works, we use three million gallons of water in twenty-four hours.

300. And how many sluice-heads does that represent? It represents about fifteen sluice-heads. I may say that the measurement of water is a subject liable to misconceptions in minds not accustomed to it. Three million gallons of water a day sounds like a very large quantity; but it is only the result of fifteen sluice-heads—each about twenty-four cubic feet a minute. So that a company that applies for a hundred sluice-heads may evidently apply for more water than it may actually require.

301. Well, is there anything else you would wish to say with regard to that section? I see there is no reference to the payment of any fees in it; and if water-rights to this extent are permitted to the North Lyell Company, there is no reference here to any payment to be made to the Government, nor for any measurement of the water, so as to reimburse the Government.

302. *By the Chairman.*—That is a question of general principle, you know. I think, Mr. Sticht, you are here more to show the reasons affecting the Mount Lyell Company in their objections to this Bill; not to go into general questions of policy? Well, of course, I was asked——

303. *By the Minister of Lands and Works.*—You suggest, Mr. Sticht, that your company is likely to be injuriously affected? Yes.

304. Well, the Committee have to satisfy themselves as to that, on the evidence. You have merely to show your objection to the clause? Of course, the clause is a very wide one. It is impossible to say just which mine will or will not be affected. I understand that the water-rights are mostly to be in other parts of the district, altogether away from us; but, as I said just now, it is impossible to say what the future will bring. My Company, at present, has no holding at Mount Jukes, but in the future we might want to acquire some share of the water about there. This clause might also interfere with certain rights we already possess at Mount Lyell. In the case of an existing water-right, under the present or any of the older Mining Acts, of course, such interference is excluded: because the Ministerial sanction is required, in the first place.

305. *By Mr. Macnaghten.*—Now, Mr. Sticht, will you look at question and answer 28 of the evidence given before this Committee: Mr. Trent is asked, "Would it be possible for your company, under this Bill, to do anything prejudicial to the Mount Lyell Company?" And the answer is, "No, I don't think so, unless they wanted the earth," and so on. What do you say to that? Oh, I don't know. I don't know what I need say to a statement of that kind. I could say, we don't want the earth; but that it seems as if the North Lyell Company wanted the water.

306. Do you agree that this Bill would do no harm to you, unless you were eager to possess the whole earth? No. The next portion of the answer really has a greater bearing on ourselves. The experience of the North Lyell Company itself shows that what I say is correct. Sayings of this kind, about "owning the earth," don't weigh against the wording of an Act. What is said here may be the personal intention of the present incumbents of the offices of the North Lyell Company; but that does not alter the facts as to the expression of the company's desires, as shown in the way the Bill is now drafted.

307. *By Mr. Simmons.*—The ground of the petition presented by your company to the House, is that your rights—the rights of the Mount Lyell Company—would be seriously prejudiced by the passage of this Bill. Now, you have limited your objections to Clauses 5 and

6, and to the water clauses. Will you look at Clause 5, and tell me precisely in what way the Mount Lyell Company considers its interests would be prejudiced by the passage of that clause? We consider that the Ministerial sanction to approve of the routes between the points mentioned is not a sufficient safeguard, and might prejudice us.

308. In what way? Because it might be used to get consent to pass a line through certain lands of ours, in such a way as to stop our operations and interfere with our working.

309. Do I understand, then, that your company objects to any tramlines being run through your sections? No; not with proper sanction.

310. Your objection is this: that a line might run through your reduction works, as you put it just now, or some other important part of your company's works? Yes.

311. That is your objection? Yes.

312. And you think the Minister might approve of a route to run through your important works? Possibly, he might.

313. And that is the ground of your objection to Clause 5? Yes.

314. Do I understand you to say that the same objection applies to Clause 6? Very similarly.

315. Have you any other objections to Clauses 5 and 6, so far as your particular company is concerned? Only those of a general nature, that I have just mentioned. It is impossible to know how these lines will interfere with any specific right under powers we may possess, until we know where these lines will be.

316. Can you mention any particular way in which your company would be prejudiced? Yes.

317. In what way? Suppose they desired to take a branch to Mount Darwin, or, rather, from Gormanston, *viâ* Queenstown, to Mount Darwin. That is practically an impossible route from an economic point of view; but not from an engineering point of view—now-a-days they can go pretty nearly anywhere. That route might be approved by the Minister, and it would be a direct interference with rights we possess, because the line would have to cross our leases.

318. It would run across your leases; that is an objection? Yes.

319. But, on a mining easement, under the Mining Act, it can run across your leases now? Yes, it might—a tramway; but this is a railway route I am talking of.

320. Do you see any difference, under the Mining Act, between a railway route and a tramway line? Well, that is a question that I should be posted on, before expressing any opinion. Very often a mining easement is quite as good as a railway Act would be.

321. What I want you to clearly explain is, in what way the Mount Lyell Company would be prejudiced by the passage of this clause. You said, just now, that you had no objection to your section being crossed; and your plea was, that a Minister might approve a route through some of your important works? Well, of course, we would object to that. We would not tolerate that.

322. Now, I ask you again: is that your objection to Clauses 5 and 6 of the Bill? Will you kindly tell me what you mean by that?

323. Is your ground of objection the fear that your company has, that the Minister might approve a route passing through your important works? Yes.

324. That is your ground of objection to Clauses 5 and 6? Yes, that is the ground—one ground.

325. Now, any modification of these clauses, which would require the approval of the Governor in Council, or the sanction of Parliament, would remove your objection? Yes, sir; it would.

326. Entirely? Yes; stated in a few words, that is the case.

327. You admit that, on the West Coast, tramways are a necessity? Oh, yes; decidedly.

328. And that it would be a great advantage to many mines to have the assistance of such tramways? Yes; quite right.

329. And that they would enable many sections to be worked profitably, which otherwise could not be worked at all? Yes; quite right.

330. Now, with regard to Section 22. It has been stated in evidence that the company propose to take water from the Trevally River, the Fish Creek, the Baxter River, the Governor River, the Tofft River, and their tributaries, and possibly from two ponds at the head of the Fish Creek. Now, can you suggest, in any way, that the rights of your company would be prejudiced if the North Lyell Company had power to take water from these rivers or centres? No; not the present rights.

331. It is only on your mind that you might want to do something in the future? Yes.

332. You cannot suggest any way in which taking waters from these rivers would prejudice any of your existing rights? Not at the present time.

333. Nor any of your contemplated operations? Not at this moment.

334. Then, again, Mr. Sticht, would it not be an advantage to some of the mineral sections about that district if they could be supplied with motive-power at reasonable rates, without the expense of providing their own plant? That is a technical question that I could not give a sweeping answer to. I don't know.

335. But that is so in many cases, you think? Oh, yes; that is so in many cases.

336. And it might be an advantage to people to be supplied with water at reasonable rates? Very often people having advances of that kind made to them, object to the offer, and won't have anything to do with it.

337. Still, it might be an advantage? Yes, it might be an advantage in some cases.

338. *By Mr. Macnaghten.*—Mr. Sticht, you said, just now, in answer to Mr. Simmons, that one of your grounds of objection was your fear of the Minister sanctioning a line to go over your important works. In saying that, you did not withdraw what you had said before : that there were other general grounds of objection? Which general grounds do you mean?

339. You objected to the clauses before, on the general ground of their indefiniteness? Yes.

The Chairman: Mr. Sticht is here on behalf of the Mount Lyell Company, and their interests. As a public question, the public can rely on their own representatives.

340. *By Mr. Macnaghten.*—But, Mr. Sticht, did you not give those reasons as affecting your company—this reason of indefiniteness, for instance? Not at the present moment; but it might be.

341. And it was not the interests of the public you were considering, but the interests of the Mt. Lyell Company? Decidedly.

342. And you still adhere to your objection, on that ground? Oh, yes; most decidedly; and from the way in which these clauses are printed at the present time, there is no doubt that they might be interpreted so as to injure us.

343. *By the Chairman.*—On Section 5, Mr. Sticht: you say the route is not sufficiently defined, and no Parliamentary sanction is required in the Bill; and you draw attention to this fact, that other Acts have got that proviso—notably the Queenstown and Gormanston Tramway Act? Yes; and the Midland Railway Act; and, I think there are some others, too.

344. I suppose that you are aware that these provisions, to obtain Parliamentary sanction for branches under railway Acts, followed the great row there was over the Emu Bay Railway, with reference to the branch line there—you know that, prior to that, a branch was made? Not exactly; I—

345. You know, at any rate, that that provision was not in the Great Western Railway Bill? No, I do not.

346. Now, what is the difference between coming before the Minister or the Governor in Council with plans, and getting sanction in that way, and getting a resolution of both Houses of Parliament? I should prefer the latter, myself.

347. Why? Because it seems to me that the powers would be greater.

348. Would it not be a greater convenience to have to go before the Governor in Council than to have to wait for Parliament? In such an instance, I would recommend my company not to consider that point at all.

349. Have you any reason to think that, in submitting plans to the Governor in Council, they would decide without consulting all the parties interested? Yes.

350. Do you think that is possible? Yes; it has been done.

351. In America, or in Tasmania? In Tasmania.

352. Can you give us an instance of that? In the case of the tramway—which is 2-ft. gauge, and not a railway, which the North Lyell Company has laid from its mine to its ore-bin at the top of our haulage line, from which bin we carry their ore down to our reduction works.

353. But that instance you are citing was done for your convenience, was it not? Yes, partly; but they passed over some other companies' sections, I am quite certain. I would not lay much stress on that.

354. What I asked you was this: have you any reason to suppose that the Governor in Council would sanction a route for a line without reference to the parties interested? No.

355. But you said, just now, that you thought it was possible? I think it is possible—yes.

356. But you know, in a case of this kind, that, if wrong were done, the Minister would be answerable to Parliament? Oh, certainly.

357. And, as far as your company is concerned, would you say you had not a full confidence in the action of the Governor in Council? I am only an officer of this company at the present moment. We have to consider the future. My company is not a thing of one day. It might be just as well to provide against every loophole of any kind. That is usually done, you know.

358. But, it is not usual, where there is a company owning a railway, that they should go to Parliament for every little tramway they want? But you just said yourself, or I understood, that this is an improvement on the old Acts.

359. Oh, no. I said it is an innovation that has been brought in since feeling was excited between the Government and the Emu Bay Company. Anyhow, you say that a line crossing your property or leasehold would interfere with you? Yes; if it were not in a proper place.

360. But if they did any damage to you—that is, to the property of the Mount Lyell Company—you would be compensated, would you not? I expect we would—yes.

361. If it were in the interests of the public that a line should go there, you would have no objection, I suppose, if you were fully and properly compensated? Of course, the Minister and the Houses of Parliament can override all our objections.

362. You know the Mount Zeehan line, in Zeehan? Yes.

363. That was all taken away for public purposes? Yes; but at present it is not in the public interest that another line should be built, in this case.

364. Why not? Well, there does not seem to be any need.

365. Is it not in the public interest that there should be competition? No; because our rates are fixed by Parliament.

366. The maximum rate is fixed; not the minimum rate, I think? They are fixed according to this Bill.

367. I think only the maximum rate is fixed. They can't charge beyond a certain amount; but they can carry goods for nothing, surely.

The Minister of Lands and Works: I don't think Mr. Sticht has offered any objection on the question of rates.

The Chairman: I am going on the ground that two lines would foster competition.

The Minister of Lands and Works: That is a matter of argument. What the witness wants to show is that this Bill might interfere with his company.

Witness: The interests of the Mount Lyell Company can be safely placed in the keeping of any clause which stipulates that the routes shall be approved by the Minister, and which contains the other provision that they must also be approved by resolution of both Houses of Parliament.

368. *By the Chairman.*—The object of referring the matter to the Governor in Council is, I take it, to save time, and to save the expense of going to Parliament for sanction for every little branch. Would not your company be satisfied to leave the justice of issue to the Governor in Council? Oh, I am quite certain, Mr. Chairman, that you will make an entirely satisfactory amendment.

369. Do you say that your company will be satisfied so long as the route has to be approved by the Governor in Council? I think they should go before Parliament.

370. But, you see, there is the question of expense. If it were only a matter of half a mile of line, you would have to go before Parliament? Well, we have a clause to that effect in our Gormanston Tramway Bill.

371. That is only a tramway. I don't know that you would be entitled to any branches at all in the case of a small tramway like that. In your evidence just now, you said that this main line of the North Lyell Company's might become a branch if their other branches were extended beyond a certain point. Would it not still be the main artery? These are questions you cannot decide without knowing what is proposed.

372. *By the Minister of Lands and Works.*—You are not offering any objection to this Bill, Mr. Sticht, on the ground that it is in any way affecting, or likely to affect, the interests of your railway, as a railway, are you? Yes. The sweeping nature of the powers proposed in Clauses 5 and 6 has some bearing on our railway operations.

373. Well, will you tell us in what way? Just in the way intimated to the Chairman just now.

374. You think that, on account of the indefiniteness of the clauses, a branch line could be projected over the range on to your side? Yes. Let me say, here, that, of course, we are not afraid of competition. We would be perfectly willing to allow anything making for competition to take place, providing that provision was made to have those two things I have suggested here introduced; then, of course, we would have no further reason for objection.

375. *By the Chairman.*—In other words, you simply want a safeguard? Yes. Our opposition is not in the nature of animosity, at all; but, as you say, we want a safeguard put in the Bill.

376. *By the Minister of Lands and Works.*—Take the following proviso—Sub-section 3, Section 8—of the Great Midland and West Coast Railway Company's Bill. It provides that before permission to construct a branch line, other than a branch line through the company's own property, is obtained, the matter must be submitted to Parliament, and sanctioned by a resolution of both Houses. Then, this proviso goes on:—"Provided, that before any such resolution is proposed, at least fourteen days' notice of motion be given in the House in which it is first introduced, and that previously an advertisement of intention to move the same shall have been published once a year for two consecutive weeks in the *Gazette*, and in one or more public newspapers published in Hobart and Launceston, and in one or more public newspapers published in or nearest to the district affected by the proposed branch lines, and that an interval of ten days shall elapse between the passing of the resolution in one house and its confirmation in the other." With such a proviso as that, applying to all important branches, your company would be satisfied? I have not studied it, but I believe so; because we are quite willing to take the decision of the Government.

377. And you would be content to add the words contained in this Midland Railway Act? Oh, yes. But we are not in a position to say to the Government what shall be done, and how it shall be carried out.

378. Do you conserve water at all, Mr. Sticht? No; only in a very small way, at present. We have considered the question before now, but it has not been necessary to undertake it on a large scale.

379. You have never thought of it seriously? We have; but there is only one place where we are conserving any water at present. We have a reservoir of 300,000 gallons.

380. Have you any scheme of conservation in view? Yes. We have investigated it; but it has never seemed worth while. We get our principal supply, you know, from the Queen River.

381. You find the Mining Act gives you all necessary facilities for obtaining what you require? Yes; so far, we have not found it necessary to secure anything under any other Act. We have not had, as yet, to build any large dam.

382. You know the Mining Act authorises you to construct dams? Yes, sir.

383. So far as your company is concerned, you have not found any necessity for special rights with regard to water? No, we have not.

384. Simply general rights? Simply general rights, as you say.
385. Does your company, as a company, hold the rights of the Queenstown and Gormanston tramway? Yes.
386. As a company? As a company.
387. Are those rights still extant? Yes.
388. They have not been forfeited? Not yet.
389. May I ask if there is any intention on your company's part of constructing that line, Mr. Sticht? Our intention has been sincere all along.
390. To construct the line? Yes; because otherwise it would have been no use buying the rights.
391. I am aware that, at the time you purchased, there was that intention, and it still exists, you say? The survey has been made.
392. Does your company offer any opposition to the proposed extension of a 2ft. gauge line from this company's present terminus at Gormanston, on account of such a line conflicting with the rights your company has under such Tramway Act? No. I don't think the lines would conflict very much, except, perhaps, at the beginning of the proposed line from Gormanston up. There is one point about that place where they would conflict.
393. Do you not know, as a matter of fact, that your company did object? Yes, I know we did object in regard to a proposed branch line; but the Minister would not recognise the objection, for the simple reason that our rights were not sufficient at that time.
394. Do you remember the principal ground of your objection? No, I don't remember that.
395. Then I will tell you what the ground of objection was. One ground of objection was that there was only one possible practicable route, and that two companies could not travel over the same ground, and could not construct two lines on the same ground—do you recollect that? Yes; the routes come within a few feet of each other, owing to the singular topography of the land.
396. Would there be any such reason existing at the present time—would that reason, if it still exists, affect any branch likely to be constructed under these sections? Yes, indeed; there would be such reasons, as the configuration of this land is so peculiar that two lines competing with each other would have to run practically on the same roadway, in places.
397. Is it, then, in protecting your interests from being possibly threatened through want of proper definitions in this Bill, that you object? Now, you have just put it in a nutshell, Mr. Mulcahy. We object, owing to what we consider the want of proper definition in the Bill.
398. *By Mr. Gaffney.*—Mr. Sticht, in Clauses 22 to 27: these streams and rivers that the North Lyell Company are asking the right to take the water from—are any of them supplying any water to the Mount Lyell Company in any way? There are no streams formulated or specified in the clause, Mr. Gaffney.
399. Do you know of any company that have sent any plans to the Government with the object of acquiring branch lines? Any other company, you mean?
400. Yes. Do you know of any company which requires branch lines, and has sent in plans to the Government to apply for such lines? The only one I know anything of is my own company.
401. You said, in your evidence, it was customary to send in plans? Oh, I thought you meant did I know of any other company, just now. I believe it is customary, judging from our own experience. Of course, I only generalise from that.
402. Has your company sent in plans, then, whenever you wanted a branch? Well, we have not wanted very many; but we have sent plans each time.
403. *By the Chairman.*—To the Minister? To the Minister—yes.
404. But not to be submitted to both Houses of Parliament? No; but we would cheerfully have done so, if it had been necessary.
- The witness withdrew.

J. M. M'CORMICK, *called and examined.*

405. *By the Chairman.*—Your name? John Macneill M'Cormick.
406. What are you? Engineer-in-Chief.
407. Of what country? Do you mean the country of my birth?—I am Engineer-in-Chief of the Tasmanian Government Railways.
408. Have you read this North Mount Lyell Mining and Railway Company's Bill, Mr. M'Cormick? Yes, I have.
409. Have you read Sections 5 and 6? Yes.
410. Do you know the company's original Act? Yes; the original Act defined the routes of what it called the railway.
411. It does not define the route, but only shows the termini, does it not? You will find this route was laid before Parliament, and passed by Parliament. Under Section 12 of the original Act, it is provided: "It shall be lawful for the company, for the purpose of establishing communication between the said railway and the sections of mineral land held by the North Mount Lyell Company, the South Mount Lyell Company, the Mount Lyell Extended Company, the Mount Lyell Consols Company, and the Mount Lyell Comstock Company, respectively, and the section of mineral land held by Herbert Stirling Muir, at Mount Darwin, and the section of

mineral land held by James Patrick Lonergan, at Mount Jukes, to construct from time to time, in accordance with the provisions of this Act, such extensions and branches of the said railway as are shown on the plans signed by the Speaker of the House of Assembly"—and so on.

412. Have you any observations to make on Sections 5 and 6, then? With regard to 5—"It shall be lawful for the company to make any branches or extension of the railway to any mineral lands in the vicinity of Mount Lyell, Mount Darwin, or Mount Jukes, along any route that may be approved by the Minister." That appears to me to be a departure from the procedure of Parliament in giving such very general powers. I think that any branch or extension of the railway should be defined, as required by Parliament in the original Act.

413. Yes; but as mines may be opened up in the future, that are now unknown, it would be difficult to do that. Don't you think it would be a sufficient safeguard to the public if any proposal for a branch was submitted to the Governor in Council? That is apparently establishing the principle that it is not necessary to go to Parliament at all, but that instead of that you should give very large powers to the Minister.

414. But this is after the main line is constructed? Yes; but under the Act these branches remain as parts of the main line or railway; if you were referring to them as trams it would be different. Under the Act they are all part of the railway, and the Government may take power to purchase this main line and its branches. It seems a great power to leave in the hands of the Minister.

415. You know that it is only within the last year or two that it has been made necessary for them to go to Parliament for permission to construct branch lines? I cannot say, speaking from memory.

416. You know there was a fight over the Emu Bay branch line, and a great discussion over it? Yes; but that was a branch line definitely connecting with the Mount Lyell. This proposal is not definite. This gives general powers to make any branches. Given these powers, and they might be used to the injury of other mines and other country, under the control of other people than the North Lyell Company. The clause gives very great powers indeed. I think the proposals for branches should be submitted to Parliament in the same way as the railway had to be, as these branches form part of the railway, and the Government may have to take them over.

417. You know, I suppose, that it is a very expensive thing to have to come to Parliament every time, perhaps for sanction to construct a mile of railway? Yes; but the proposals should be definite now, as they affect the rights of others. That is how I look at it.

418. You are aware there is a railway up to Gormanston? Yes.

419. You are aware that that was sanctioned by Parliament? Well, no—not to Gormanston; it was going to the South Lyell.

420. But the line that now actually goes to Gormanston was sanctioned by Parliament, anyhow? Yes; that is on the route, I take it, to South Mount Lyell.

421. And do you suggest that if they want the right to construct a tramway a mile long, they should have to go to Parliament for it? Not a tramway, we are speaking of the railway. I take it that tramways can be made by mining easements, as is done by the Mount Lyell Company; that is to say, the railway the Government has the right to take and purchase under the Act, ends at Queenstown. There are a large number of branches; which, I believe, are simply made under a mining easement. They are apart from what is called the railway, at all events.

422. And you draw a distinction between a branch from the railway—an extension of the railway—and a tramway put in for the purpose of working a particular section? A tramway put in for the purpose of working a section goes under a mining easement.

423. Now, see: we will say there is a railway here? Yes.

424. And we will assume a development three miles away, on a mineral section? Yes.

425. And that it is necessary to get the ore from that section to market? Yes.

426. And that the company wishes to put in a branch line from the main line to get that ore? Yes.

427. You think they should have to get special powers from Parliament in order to construct that branch? I think they could work that under a mining easement, and not as if it came under the Act. Such a branch is not for the carrying of passengers. To put it plainly—I don't think the Government or Parliament should be asked to buy a system of branches running everywhere you like to put them, and should have to give you twenty per cent. on the cost of those branches, which may be worn out in five years, and may perhaps not be really worth twenty per cent. of the original cost of construction. The Government has twenty-one years in which to buy a railway and its branches; but I don't think these small mining tramways could be included in that. I hope I have made myself clear.

428. Oh, quite. But, of course, if they get Parliamentary sanction, these branches become part of the railway? Yes; if they get Parliamentary sanction for carrying goods, passengers, or anything else.

429. If for purposes of getting traffic to that railway, and for purposes of the railway only, a branch is put in to a mine producing ore, should not that be considered a branch? Yes, that would be a branch; but ———

430. And you are suggesting that these short tramways should be made by easements under the Mining Act? I say, if they are made by easements under the Mining Act, there would not be the same objection to the powers conveyed by these clauses.

431. And you say that the company should make these small tramways; that the Government should take over the main line; and that the company should be left to work these branch lines, and provide staffs for them, while having no main line or traffic? I think you take power here for tramways.

432. I don't think you follow me. Say there is a mineral section here, and a railway for getting the ore from it: you say that railway should be constructed under a mining easement? I did not say it should be. I don't know exactly what you mean.

433. We will presume that the railway—the main line—has been taken over by the Government? Yes.

434. And you say that the company, having lost its railway, should still be called on to work the branch to the mine supplying it? The mine by that time would probably have been worked out.

435. We will say that twenty years hence there is a discovery made, and that with the life of that mine all before it, the Government take over the railway. You say that the company should still hold the branch line to that mine? Yes; if it is payable, I don't see why they should not.

436. It might be payable while it was run as a feeder or part of the main system, but it would not be payable for them to keep up a separate staff to work it? Well, I don't know anything about that.

437. *By the Minister of Lands and Works.*—I will ask your attention to Clause 3, Mr. M'Cormick, which provides for the break of gauges—what do you think of that? Yes; this provides for three gauges; not simply for a break of gauge in the ordinary sense. They can use three gauges, how they like, on any branch they like; no two branches need be of the same gauge, and the main line need not be the same as any particular branch. I don't think that that is at all desirable. I think it would be unwise to give such powers. Parliament allowed the company a liberal choice of three gauges, and the company have already chosen one. I think the company should adhere to that gauge, and I also think the grades should be defined.

438. You know the country around there, Mr. M'Cormick, or, at any rate, you know something of it—do you think it would be practicable now to construct lines on a 3 ft. 6 in. gauge in the various places in which it may be necessary to construct them? I don't know the country; I have not been through the North Mount Lyell country.

439. You have seen the plans submitted of the line to South Lyell? Yes.

440. Do you think it is practicable to carry a 3 ft. 6 in. gauge up to the South Lyell mine without involving enormous expense? I could not say, speaking from memory, what the earth-works were. I think they were only shown as far as Gormanston.

441. You remember the gradients? I don't think I have seen any plan of the line beyond Gormanston, speaking from recollection.

442. Don't you think it would be quite proper to allow the company to break the gauge, subject, at any rate, to the approval of the Engineer-in-Chief? I don't know whether that responsibility should go on the Engineer-in-Chief; a break of gauge would, of course, mean a break of rolling-stock; and, I take it, that, in view of the possibility of the Government taking over the line at any future period, it should be borne in mind that the Government rolling-stock, excepting the small amount of 2-ft. stock, would not go over the line.

443. You have seen this plan before, Mr. M'Cormick. [Witness examines the plan.] Now, will you look at the gradients on that? The gradients, I think, are in accordance with the provisions of the Act, 1 in 30. I think this is simply the plan of the line to Gormanston, which I have seen before. This has already been constructed. There is none of the extension beyond Gormanston shown here.

444. Well, do you remember this, Mr. M'Cormick: there was, at any rate, an application by the company to continue this line by an extension on a 2-ft. gauge? I don't know whether there was an application. It was incidentally mentioned at all events.

445. And you objected on the ground that the Act did not authorise the break of gauge? Yes.

446. But what I wanted to get from you is, whether there is really any objection to a break of gauge where the nature of the country requires a narrow-gauge line, owing to the steeper gradients and the narrower curves? I should not like to offer an objection; but I think the objection comes in when you consider whether the Government should be obliged to buy that portion of the line.

447. *By the Chairman.*—Of course, the Government is not obliged to buy anything? No; but they have a right to buy; and if they buy, they must buy the line with the branches.

448. *By the Minister of Lands and Works.*—Your objection to Clause 3, then, would be largely minimised if it were shown to be necessary to construct in places on a 2-ft. gauge? Quite so. I should consider that I was obstructing the progress of the country, if I were to object to anything of that kind.

449. Now, in Clause 3, at the end of it, the words come in, "It shall be lawful for the company to construct tramlines of any grade that shall be provided with suitable machinery for the safe working of same"—what do you say to that? That is a very general clause. The company have already power to construct tramlines under the original Act, for the carriage of flux or wood; not for the carriage of passengers.

450. Do you know that the company contemplate constructing lines of steep gradients for the purpose of carrying ore? I am not aware of that. If they propose constructing these for the carriage of ore only, I do not think there is the same objection. I have no objection to that.

451. You would have no objections to them having the rights and responsibilities of common carriers, charging the freights provided, if these particular lines are confined purely to freight traffic? Not so long as they are confined purely to freight traffic; that is what I said to Mr. Urquhart before. If that is done, however, such lines should not come under the general denomination of the railway, because these will be worked in a special way, and on a special line.

452. Assuming that Parliament grants the rights to the company conceded under Clause 3, to construct tramlines of any grade that is outside the grades authorised in the Act before you, would it be necessary, in the interests of the life and safety of the men who drive these trains or trams, that an officer of the Government should see that they are fitted with proper and safe appliances? Certainly; if they are to be specially authorised by the Government. That is to say, I take it you are authorising something outside the original Act that gives power to make tramways; and you must make proper provision.

453. Then you think there should be some public official who would have to deal as to the suitability and safety of the rolling-stock? Yes, and by whom it should be approved.

454. What is your general interpretation of section 5, Mr. McCormick? Well, it seems to me to throw upon the Minister any general powers that have hitherto been held by Parliament. That is contrary to the usual procedure adopted in the past.

455. You would offer no objection to that if it were accompanied by the stipulation imposed in the Midland Railway Act: That no branch line of railway shall be sanctioned without a resolution of both Houses of Parliament? I have no objection to that at all.

456. And the same applies to Section 6, I suppose? The same applies to Section 6, as you say.

457. With regard to Section 7, you know the difficulty that arose with the Mount Lyell Company as to the doubt as to whether they had full rights to acquire necessary lands for stations? Yes.

458. There is no objection to similar rights to those then conceded being now given to the North Lyell Company? No objection whatever.

459. Now, with regard to Section 8, have you any observations to make on that? Well, as I read that section, it practically gives the company power to stop the construction of roads across the railway. Section 15 in the original Act seems to me to give the proper powers. This clause in the Bill says, "Provided always that no road shall be constructed over any land used by the company as a station-yard without the consent of the company, nor over any portion of the railway if the traffic thereon is likely to be interfered with by the use of such road." Well, under such a clause, you would practically stop the making of roads over the railway at all: it is interfering with the powers that should be left in the hands of the Minister. No Minister is likely to make impracticable or improper roads over the railway. That is the only thing that has occurred to me, I think, as to this Clause 8. I have referred to Section 15 of the original Act, which appears to deal with it.

460. That refers, I think, to where the railway crosses a road, not to where a road crosses the railway? Yes; but, I think, you will find it is all in this: "The provisions of this Section shall apply to any public road or street that may be made at any time after the construction of the railway." I think that that embodies power for the Minister to make any road he thinks fit under these conditions.

461. *By the Chairman.*—Of course, that is a question of law? Well, I am not a lawyer.

462. Don't you see that the intention of Clause 8 is to give the Minister power? It seems to me rather to leave it in the hands of the company.

463. But, surely they have got the power now? Well, it seems to me to be as I say, and that is why I called attention to it.

464. *By the Minister of Lands and Works.*—Going back for a moment to what was intended under the previous clauses,—will there be any objection to this company having the right to construct tramways on very steep gradients, with special classes of engines? You mean under Section 3.

465. Well, it applies to Sections 3, 5, and 6; it applies to all contemplated branches,—what do you think? Well, Clause 3 deals specially with the grades—"And it shall be lawful for the company to construct tram lines of any grade that shall be provided with suitable machinery for the safe working of same." Of course, "suitable machinery" is a very general term.

466. It is stated here that gradients up to 1 in 10 are possible with a certain class of engine? What do you say? What class of engines is named?

Mr. L. C. Trent (in attendance).—Well, there are two or three engines. There are two I have in mind—the Heisler and the Shay; and there is one other, the name of which I can't remember for the moment.

The Witness.—Well, those are what are called logging or geared engines. They work up to 1 in 17, and at sharp pinches they will go up to 1 in 10. I have not had personal experience of them, and I never heard of them being regularly worked on 1 in 10.

467. *By the Minister of Lands and Works.*—But isn't it fair that in a difficult country like this steep gradients should be sanctioned for the purpose of developing properties? Quite so: but as I said just now, for the purpose of carrying ores, and not for the purpose of carrying passengers.

468. You have no objection, as an engineer, to the construction of such lines, provided that the rolling-stock and driving apparatus were submitted and approved? Quite so; always, however, providing, as I said before, that Government, in purchasing the railway, should not have to purchase these special lines with special plant—which would be of no use to the country whatever.

Mr. Trent: It is contemplated there to build tramways that might be up to 1 in 1.

The Witness: But you could not work a logging engine up to 1 in 1.

Mr. Trent: You could run on that grade, using suitable machinery.

The Witness: The machinery should be submitted.

Mr. Trent: Mount Lyell has certain tramways up to 1 in 1.

The Witness: I don't know how they are authorised.

469. *By the Minister of Lands and Works.*—Now, Mr. McCormick, have you read Clauses 22 to 27, dealing with water-rights and water-powers, and power to do certain other things? Yes.

470. Do you think it is desirable to associate with a purely Railway Act or Bill, works of this kind? No, I think not.

471. Is there any connection? I don't think there is any connection at all. I don't think that by any interpretation you can call those clauses an amendment of the North Mount Lyell Railway Act. It seems to me that this matter of water-rights should form the subject of a separate Bill.

472. Have you any observations to offer on these sections, Mr. McCormick, apart from that? Well, I can only say that the right asked to conserve water is a very large one. There is no definite statement, but it apparently gives a general right to secure all the available water, perhaps to the injury of other mines.

473. Are there any other matters in connection with this Bill that require comment from you as an engineer—speaking in your professional capacity, Mr. McCormick? Purely as an engineer, you mean?

474. Yes. Well, Section 21, as to the Minister's right to take over the railway: I don't see why it should be limited, as proposed here.

475. *By Mr. Hall.*—Then, in your opinion, Mr. McCormick, as Engineer-in-Chief, you think it would be more in the interests of the Colony at large to amend Clauses 4 and 5, by taking the power out of the hands of the Minister, as provided here, and vesting it in Parliament, by a resolution of both Houses? I think so. I think it should have the approval of Parliament. It appears to me to be the policy adopted hitherto.

476. *By the Minister of Lands and Works.*—Latterly, that is? Well, I take the latest policy. If you alter your policy I have to carry it out.

477. *By Mr. Sadler.*—The present gauge of the North Lyell Company's railway is 3 ft. 6 in.? Yes.

478. And you would have no objection if they altered the branch lines to one gauge, say, 2 ft. 6 in.? I think 2 ft. 6 in. is a very objectionable gauge, because it would be introducing another gauge altogether into the Colony. I do not think there is a 2 ft. 6 in. gauge line yet constructed, although power to make it has been authorised.

479. Anyhow, say they keep to one gauge: say a 2-feet gauge? I would not object to that, under the conditions I have mentioned, but I don't think there should be freedom to make one break of gauge 2-feet, one 2-feet 6-in., and so on; if there is a break, it should be one break only.

480. *By the Minister of Lands and Works.*—And that preferably to 2-feet? Yes; because I take it, that is the gauge already largely in use on the West Coast.

481. *By Mr. Sadler.*—As to clause 5. It says—the approval shall be in the hands of the Minister. If it was the Governor-in-Council instead, would that do? Well, I think it should go to the House.

482. Even if it were a proposal for just a mile of railway or tramway? It does not matter what the distance is; it might affect other railways and other mines very largely.

483. And if they want to construct a tram line, they can do it on a mining easement? Yes.

484. *By Mr. Patterson.*—I think, Mr. McCormick, that the Government has set the example on the West Coast by establishing a break of gauge? No, I don't think so. I think the Zeehan street tramway was the first; and, you know, that shunts into our railway station.

485. At all events, the Government has, in its own system, established a break of gauge? Yes.

486. Can you tell the Committee why the Government adopted a 2-foot gauge, having a 3 ft. 6 in. system already in operation? For the purpose of opening up the mining districts as economically as possible.

487. Wouldn't that same reason operate with regard to this North Mount Lyell Company? Yes.

488. There is no objection to it? I have not objected to them making a break of gauge to a 2-foot. I pointed out that if they are to go on special gradients those lines should not fairly form part of the system that the Government will take over: just as is the case with the Mount Lyell branches beyond Queenstown.

489. I want to draw your attention to the last clause of Section 3 of the Bill; "and it shall be lawful for the company to construct tramlines of every grade that shall be provided with suitable machinery for the safe working of same." In your opinion as an engineer and the Engineer-in-Chief of this State, should that clause be allowed to stand as printed? No, not if it gives powers

that they do not already possess, as I think it does. They have certain powers for constructing tramways already, for the carrying of flux, and so on. If any work does not come under those powers it should be submitted to some responsible officer appointed by the Government.

490. Then, presuming that they have not got these powers under the previous Act, don't you consider there should be a maximum grade set forth in this clause? Oh, well, of course I think you said that, when you have the work submitted to a responsible officer. Of course the maximum gradient depends on the machinery for use. A maximum grade under the Abt or Fell system would be very difficult from the maximum under another system. Also, special gradients could be used with the engines named just now, the Shoy and the Heisler, which are geared engines.

491. Have you, as Engineer-in-Chief or Engineer of Existing Lines, inspected these private lines and reported on them to the Government? No.

492. Do you think it would be desirable that that should be done? Yes, I think it would be. Of course, the lines have been inspected from time to time by a Government officer appointed under the Act. I think that in nearly all the Acts the Government have the power to appoint an officer for that purpose. This particular line has been inspected by Mr. Hales, who has been the officer appointed under the Act.

493. *By Mr. Simmons.*—Your objection in respect of a break of gauge is in case the Government should wish to purchase the line? I won't say that is my sole objection. A break of gauge is objectionable at any time.

494. The objection you have to conceding to the North Lyell Company the power to break the gauge is only in case the State should desire to purchase the line in the future; is that so? No, not altogether. The break of gauge raises a lot of other questions. It involves special gradients, a different class of rolling-stock, a different class of engine, a different working altogether. I said I had no objection to one break of gauge.

495. The point I want to get at is that your objection, is in case the Government wish to purchase the line? No; what I said was that if the power of breaking the gauge were given for this particular class of branches, the Government could not purchase these if they wanted to purchase. If they purchased the railway and branches laid down by sanction of Parliament, together with a number of light lines of a variety of curves and gradients—that I should object to.

496. And I further understood you to say you do not consider tramways as branches, forming a part of the railway? No; the tramways under the original Act are only to be used for carrying fluxes and wood.

497. And your objection to the break of gauge would be limited to the branches you regard as forming part of the railway, and would not extend to the tramway? [No reply.]

The Chairman: He said he was quite willing to approve of a break of gauge, so long as they confined themselves to one break.

The witness withdrew.

THURSDAY, SEPTEMBER 5, 1901.

MR. M. W. SIMMONS (instructed by Messrs. Simmons, Crisp, and Simmons) appeared for the North Mount Lyell Copper Company, Limited; and Mr. R. E. Macnaghten (instructed by Messrs. Butler, McIntyre, and Butler) for the Mount Lyell Mining and Railway Company, to object to certain clauses of the Bill.

E. A. COUNSEL, *called and examined.*

498. *By the Chairman.*—Your name? Edward Albert Counsel.

499. And you are Surveyor-General of Tasmania; Yes, sir.

500. *By the Minister of Lands and Works.*—You have read this Bill, Mr. Counsel? Yes.

501. I will ask your attention to the clauses dealing with the making of permanent reserves for timber purposes. Do you think the company should have exclusive rights to timber on Crown lands areas in such reserves as have already been made in their interests? Not on the terms set forth in the Bill. These reserves comprise some 3600 acres, and it is proposed in this Bill that the company should be entitled to take all the more valuable woods there, on payment of a royalty of 1s. 6d. per thousand superficial feet; the Government charges a royalty of five shillings, under regulations.

502. I will come to the question of royalties presently, Mr. Counsel; the question now is as to exclusive reservation of timber lands to the company? I do not think there is any strong reason against it, on certain conditions, provided they pay sufficient to the revenue for the timber.

503. You think that there would be no objection to special areas being reserved for the company? I don't think so.

504. The department has had some experience with regard to timber cut by the North Lyell Company, I think? Yes.

505. Have you been officially informed that large amounts of timber have been cut? Yes; pine to the extent of some £8000.

506. In value? In value—yes.

507. *By the Chairman.*—What would be the amount due to the Government on that?

The Minister of Lands and Works.—The question is, what would be due if they had taken out timber licences.

508. *By the Chairman.*—How much do you estimate the Government would have got out of that, if it had been cut by the company under ordinary timber licences? Well, it is difficult to estimate that at all, as it stands. I don't know the quantity of timber; it has only been estimated at that value.

509. Would not the value give you an idea of the quantity; I suppose it would, but it would be difficult to calculate it; I could not give you an estimate straight away.

510. Well, supposing that the whole of the £8000 worth of timber belonged to the Government, would that be a big concession to give to a company such as this, which had no land concessions to start with, and has spent half a million? It would be in the way of timber, such as pine.

511. But as the company asked for no land concessions, would £8000 be too much to give them —

[The Minister of Lands and Works objected to the form of the question. The Committee deliberated.]

512. *By the Minister of Lands and Works.*—It came to your knowledge, then, Mr. Counsel, that the company had cut a large amount of timber? Yes, sir.

513. That came to you officially? Yes, sir.

514. And you found a difficulty with regard to charging them a royalty upon it, because of their existing rights to cut timber for the construction and maintenance of their line of railway? Yes, that is so. The fact seems to be that it was doubtful what were the rights of the company, and it became questionable whether a royalty could be demanded and secured under the regulations.

515. Were you instructed by me to confer with the representatives of the company upon this matter? Yes, sir.

516. And you did confer, and arrived at a general basis of agreement? Yes; the result of which was a temporary arrangement with the company such as is now set forth in the Bill. But it was never intended that that should be a permanent thing; as would appear on the face of it, from the fact that we only put one-and-sixpence a thousand feet on the pine, and we are actually charging five shillings under the regulations.

517. Then do you approve of these particular charges, which were agreed to as a temporary arrangement between yourself and the company, being placed in this Bill? No—not to be placed there permanently. I think the company should pay at least two shillings royalty on pine. All the other royalties set down, I think, are reasonable.

518. Don't you think that the company could be protected, and a proper basis of agreement made, if power were given to make special regulations under this Bill for the royalties to be charged to the company? Yes, it seems to me that that is the way it should be done. I believe that was the intention of the Government at the time the agreement was made.

519. Will you look at Clause 34, Mr. Counsel, and give us your ideas with regard to that? Clause 34 sets forth that the company should have the right to purchase land—19½ acres—at Kelly Basin, at £1 per acre. The same area of land at the present time is occupied by the company at a rental of £50 a year.

520. Who placed that valuation for rental on the property? I had a valuation from the Chief Forest Officer, and another valuation from the Bailiff.

521. What were those valuations? I think that one was £30, and one was £50.

522. Has a lease been taken by the company on those terms of £50 a year? No; it is a temporary annual licence to occupy the land.

523. Do you think it is desirable that we should sell to the company this piece of land at the price proposed? No; I don't think that any of this land should be sold to the company in fee simple.

524. No land at all? No land at all. I think the areas they want to get should be leased, the same as the land for the railway is to be leased, and for the same term of years.

525. You have examined the schedules, I suppose, Mr. Counsel—have you? Yes.

526. It is proposed that the Government should sell to the company the land described in Schedule 2? Yes.

527. At a sum not exceeding £2 per acre? Yes.

528. Is there any precedent in the department for doing that? No, there is no precedent for that.

529. As a matter of fact, would not the company be quite as safe, or perfectly safe, at any rate, under the ordinary mineral leases for this land—as to their security of tenure of claim, I mean? They would be as safe, I think, for the purposes for which the lands are leased; but I think, if I may say so, that the principle of selling this land is wrong altogether. The company was instituted or constructed for the purposes of this railway, and they were forced to lease land for it. Why should they lease one portion of the land and buy another portion? I think the thing is inconsistent. I think the company is wrong in proposing it.

530. Have you any other notes on this Bill, Mr. Counsel? Yes, sir; I have other notes on different sections of the Bill.

531. Will you be kind enough to give them to the committee? Shall I read them—they are connected here.

532. You can take them *seriatim*, clause by clause. Which is the first? Well, clause 7 authorises taking by the company of portions of Crown land in excess of the portion one chain in width, as provided for in the original Act for the construction, execution, maintenance, and working of the railway and works, "such portions of Crown land to be delineated on plans which have been or which may be supplied by the company to the Minister, and to be approved of by the Governor in Council, and signed by the Minister." Well, that is important, I think. I may say at the present time that I have seen no plans of the railway that have been submitted—and, I believe, I have seen all there are—that could possibly be relied upon, as provided for in this section. The plans that I have seen have not been accurate. It does not seem to me, as this Bill stands, that there will be anything to prevent the company from taking land from time to time in excess of what it is supposed it occupies.

533. *By the Chairman*.—But it must be done with the consent of the Governor in Council? Yes; but if proper plans are not furnished, there is no telling what land the company really occupies, and may occupy, from time to time.

534. *By the Minister of Lands and Works*.—Mr. Counsel, will you look at line 46 and line 47 in Section 7: I propose, when dealing with the matter in committee, to strike out the words, "or which may be," in line 46, so that it will read, "such portions of Crown land to be delineated on plans which have been supplied; and then I propose to strike out the words "to be" in line 47, so as to make this section applicable to what has been done?

The Chairman: That is, if the Committee approves.

The Minister of Lands and Works: Of course, I am assuming that; I am not the whole of the Committee. I am asking Mr. Counsel if he approves of that.

The Witness: I think that would do. My idea is to endeavour to have the thing finally settled beyond dispute. If there is a certain time to have these plans furnished fixed definitely, I think that would get over the difficulty. The next clause I deal with is Clause 12, dealing with the leases and their duration. I take it that we have disposed of Clause 7, by my notes on that clause, and the questions you have asked me. Clause 12 proposes that the leases shall have a duration of forty years, and not thirty years, as in the Act.

535. *By the Minister of Lands and Works*.—What is your objection to that, Mr. Counsel? I think the term of forty years is too long.

536. You know a special lease was granted to the Mount Lyell Company? Yes, sir. Forty years was not the term specified there, was it?

537. No, thirty years? I thought so.

538. You have no objection to them being granted the same rights as the other company, with a thirty years' lease? No; I think that is fair. The leases, of course, are all right, but the term of the lease should be less. These leases, I should say, are not in my department. Clause 22, is the most important. I am of opinion that no exclusive right over water, such as that set forth in the Bill, should be given to the company. I think that this clause contemplates a fresh concession altogether from those in the original Act, and I don't think it should be granted. It would, moreover, interfere with riparian rights and water-rights in the district; and it may possibly hamper mining in other ways. I know that Section 37 of the original Act does not give any indication that any such concession as this was intended at that time. I think that the timber on these sections might, however, be let to the company, provided they pay a royalty of two shillings per thousand feet for pine, and the other royalties as set forth in the Bill, and a rental of £10 per thousand acres to the Crown, concurrent with the other leases.

539. *By Mr. W. H. T. Brown*.—Is that the present sum you are charging? No, that is less than is charged now for timber; but that is allowing something for the rights that the company has for taking timber, under its original Act. Excepting for the amount of the royalty, it is what was suggested at the time when I had an interview with Captain Anderson on the subject.

540. *By the Minister of Lands and Works*.—You agree that it is right that a reduction should be made to this company, on the ordinary royalties paid on timber, in view of the fact—

[The Chairman objected to the form of the question.]

541. *By the Minister of Lands and Works*.—Will you tell us what position you take up about it, Mr. Counsel? The reason that we made the reduction, and should give special concessions on the royalty for timber to this company is, because the company is willing to pay a royalty on all the timber, on a certain scale, and in view of it being provided in the original Act that they have certain timber rights. They are prepared to give up those rights, and take the timber on the terms set forth in this Bill. There is no doubt that they have certain rights under sections of the old Act, but not, I take it, a right to take timber in the way that it is contemplated to take it at the present time.

542. *By Mr. Gaffney*.—What objections have you, Mr. Counsel, to the company getting a forty years' lease—you say the Lyell Company had leases for thirty years? Yes.

543. And at the end of that time they would have the right to renew, would they, not? Yes; that is, of course, under a re-assessment.

544. Then it is with a view to re-assessment that you object to the North Lyell leases being for forty years? Yes; I think it is a rather long period to ask for.

545. You say, as to Clause 22, that you think the company ought to pay two shillings per thousand feet for pine? Yes.

546. Would not that amount to very much more than they would pay for the timber if they paid the ordinary licence? Well, it is difficult to say. Even if it is more, the licence is not intended to secure a reserve of the ground, as this does. A licence is only a temporary right to cut; this would be an exclusive right to take all the timber on certain land reserved.

547. Well, if a licensed man took the same amount of timber in a dozen different parts of the country, the Government would not be in any different or better position than if one company took the whole amount in one place? I don't quite follow you.

548. For instance, it would be a very poor bushman who would not fell one tree a day, and that would cut up to over a thousand feet, at least. On the royalty you propose, that man would pay twelve shillings a week, anyhow. But while he is paying for his licence, and getting his timber under that, he must cut and remove it? He would be a very long time removing some of this timber.

549. There is no doubt that only big companies situated like the North Lyell could shift some of this timber. The ordinary miner with his pine-cutter could not cut it and get it out? No.

550. And you do not, then, think two shillings a thousand feet is too much to ask the company? No; I think it is based on a low estimate of the value of the right.

551. Now, with reference to the nineteen acres of land at Kelly Basin—do you consider that was a fair rental value to put on that land, considering the state it was in when the company took it—is £2 10s. an acre rent a fair thing? I don't think it would be a fair rental to charge permanently. I should think half of that would meet the case.

552. You do not approve of the Government selling the company that piece of land? No, I don't think it ought to be sold.

553. And that other piece of land at the smelters? No, I don't think they ought to sell any of it, myself.

554. What is your principal reason for objecting to them selling a piece of land there, where the company have to put very expensive machinery, and would require a title to the land? I take it that as long as the land is held for all their purposes under the Act, leases would be just as secure as having it in fee simple, and it was never contemplated at the first that the Government should sell them land in this way.

555. But you know that the Government has cut up the township close by into lots, and sold them at a good figure. Is there any reasonable objection, then, to them selling a piece of that land to the company—the land where such important and expensive works would be? Yes.

556. But come, if the company did sell a piece of the land, what would it matter? Such a thing was never contemplated.

557. But if they sold it, say, for putting up a factory to manufacture the copper, so that it could be sold in the colonies to those that wanted it, instead of having to send it Home first to be manufactured there? I do not think it was ever contemplated that they should get the fee simple of the land, and I don't think they should get it. Really, as it appears to me, the idea was that they want such land as is necessary for working this concern—not for bartering or selling it, at all.

558. But you know that the foreign capitalists who are always advancing money on these concerns, prefer to have a title to the land. The lease may be all very well; so far as the Government of this State is concerned, they would never be interfered with; but people who put such a large sum of money into a concern of this kind like to have a title in their land—don't you think so? Well, what about a mining lease. This land could not be more valuable than some of the land already leased for mining.

559. Well, of course, they can work the mineral out on their leased land; but this land will contain an expensive plant, remaining there to purchase ore and treat it from other mines in other parts of the district—there's a difference, is there not? I cannot see that the sale of this land is at all necessary for the working of the concern.

560. *By Mr. Hall.*—Did you visit that country at all, prior to the construction of the branch from Kelly Basin to Gormanston, Mr. Counsel—did you know anything of it at all? Yes, a portion of it.

561. Well, what was its condition—was it of any value to the State at all, before this company came in and commenced operations? Not just as it stood then; but it had a prospective value, the same as all land in the mining district has. It might become valuable at any time, and it might never be.

562. Well, do you think that the fact that this company has come in and constructed a railway has enhanced the value of the land—not only of Kelly Basin, but of all the surrounding country? Yes.

563. Has the company's railway afforded mine-holders in that district an opportunity of getting their ores to market, and so developed the district? Yes, to a large extent.

564. Well, dealing now with this section 35. You say that you consider the royalty proposed to be paid here—one-and-sixpence on pine and blackwood—rather too low? Yes.

565. And you will observe, Mr. Counsel, that under this section 35 they pay for timber within certain boundary lines: you do not give them the indiscriminate right to run all over the country and get timber? No.

566. Well, now, the regulation under which you issue timber licences—does not that give the holder of a licence the right to run anywhere he likes and pick out the very best timber it is possible to select, and leave the second-class stuff alone? It gives him an open right to select his timber.

567. *By Mr. Sadler.*—On his own land? No; on Crown land.

568. If I take out a timber licence I can go up the Stanley and Pieman rivers, or anywhere else, and take out the cream of the woods; but here, Mr. Counsel, this section binds the company within definite lines? Yes.

569. And don't you think, such being the case, that they will not pick out the cream of the pine and blackwood, but that they will utilise the whole of the timber? Yes, when they can do it profitably, I take it; but it must also be borne in mind that, although these are only certain pieces of land it is proposed to reserve, they include the best of the timber throughout the length of the line.

570. And I suppose there would also be a lot of what we call second, third, and fourth class timber. What I want to get at is a comparison of prices. For instance, if the company says, "We will continue to get our timber under timber licences," would not the State lose a great deal of revenue by the fact of the company taking out timber licences, in place of paying the Government these royalties—one-and-sixpence for every thousand superficial feet of pine they get, and so on? I can hardly answer that question. But putting it in another way, I can. If the company worked under timber licences, anyone else could go and get the timber from these lands. The company could not then have the exclusive right to these reserves. It is the special right they get to do that makes them glad to pay more under the royalty. Under this arrangement they get the exclusive right to the timber, and no one else can interfere with it. They would only get a portion of it under any other arrangement.

571. But you also get sixpence per thousand feet from them for all the hardwood? Yes.

572. And a penny a ton for all the firewood? Yes.

573. Well, do you not think that by giving the Committee the agreement proposed under this clause they will pay more for their timber than is paid by any other mining company in the State; or can you give the Committee an instance of where a mining company is paying the State a penny a ton for firewood, or sixpence per thousand feet for hardwood? The Mount Lyell Company is paying equivalent to that at the present time.

574. Under what arrangement? They are paying it in licences. It is computed that a man gets about 60 tons of firewood in a month. It is on that computation that this penny a ton was instituted. It is, practically, the same as the licence, which is five shillings a month.

575. And do they also pay sixpence a thousand feet for hardwood? No; they pay a penny a ton for firewood, as I explained just now, and the ordinary prices for hardwood under the regulations.

576. They do not pay you a special royalty of sixpence a thousand feet on hardwood? No, they are not paying a royalty at all, because the royalty is for sawing timber.

577. I understand you to say, Mr. Counsel—and you speak, of course, from a fair knowledge of that country—that you do not think it would be wise to give the company the absolute control of all the water-rights set forth in Section 23? I do not think it would.

578. It would not be in the interests of the State? I do not think it would.

579. What was your objection to Clause 22, Mr. Counsel, again? Well, as to Clause 22, the main objection, I think, is that it is an additional concession quite apart from what was contemplated in the original Act; and it is a greater concession, I think, than the circumstances would warrant the country in granting.

580. Do you think that, if granted, it will be likely to interfere with anyone going into that country and taking up land, if they wanted water to work their mines with? Very likely it would. It is most likely that it would.

581. And you notice that they propose to pay nothing for that water? No; it is contemplated to give it free.

582. What would you suggest as an alternative scheme for the company if this is not granted? I think such a condition as is set forth here might, possibly, apply within the lands they lease.

583. Of course, they would have that right now, as a riparian right? Well, they would not have the right to take the water away, and dam it up, as now proposed.

584. *By the Chairman.*—And they would not have the right to sell it? No, they would have no right to dispose of it.

585. *By Mr. Sadler.*—Of course, they want a large quantity of water. Can you suggest any means by which they could get a large quantity without interfering with other people's rights? I would say they should be called on to take out water-rights in the ordinary way, if the water they want is from rivers beyond the land they are leasing.

586. You would have no objection to it being done that way? Oh, no.

587. Under our Mining Act, of course, you have no right to sell water at all? No.

588. And you think that right should be given to this company? Yes, on lands leased to them.

589. *By Mr. W. H. T. Brown.*—I have only one question to ask you on this water matter. That clause, as far as I read it, is to the effect that they only ask permission to impound the flood waters on any land that they may hold in fee-simple. Anyhow, it is not for any other purposes, as far as I can see. The water they want is water caught in winter time, in the rainy weather, and

they ask permission to take and collect that and divert it into the intended reservoirs, dams, aqueducts, and waterworks during that time for their own purposes. There may be no objection to a clause in that form? Well, as I read Clause 22, it would grant the right to divert and take and dam up the water in all that country.

590. The flood-waters only, is it not? Well, of course, that is somewhat indefinite.

591. But, I take it, it is intended to apply to the flood-waters only? Well, I take it, that it is intended to apply to all the water on those lands. They could take it all in the winter time, or at other times, and call it flood-water.

592. On their own land, that is? It is unoccupied Crown lands as well that this section refers to.

593. If it applied to land they held in fee simple there would be no objection to their impounding the flood-waters? No, I do not think there would be any serious objection to that, if they held the land as you say. But, as I said just now, I take it that this section applies to all unoccupied Crown lands in that locality.

594. If it were made to refer only to sections they hold in fee simple, there would be no objection to it? I don't think so.

595. *By the Chairman.*—Mr. Counsel, do you approve of parting with lands in Tasmania at all on fee simple? Do you mean as to the general policy of the State?

596. I am not talking of the general policy of the country at all, but of your own views—do you approve of it? In a general way, yes. I think it would have been better to have started earlier with leases; but that can't be got over now.

597. And you still approve of some of the lands being sold? Yes.

598. You know Macquarie Harbour? Yes.

599. Is it proper for a man to get two or three hundred acres there in fee simple? He can get a hundred acres there—yes; if he is far enough away from the town.

600. Well, say, some years ago, before they put a peg into this railway, this company had wished to take up a hundred acres at Kelly Basin—they could have done so? Yes; before there was a town there, and the land withdrawn from sale.

601. And the town came subsequent to and as a consequence of the making of their railway. So that they have made the land valuable. Now, as a matter of fact, there would have been no objection to this company taking up a thousand acres before they put a peg into that railway? No; if they took it up in accordance with the regulations.

602. That is, they would have to reside on it five years, and improve it up to a certain extent? Yes.

603. Of course, you know they have resided on it, in the sense of the company having worked it? Yes.

604. And you know that they have spent some twenty odd thousand pounds upon this piece of land at Kelly Basin? Yes, it is so stated.

605. Now, you say that a lease is just as good for them, in respect of this land, as fee simple? As far as the security of their works is concerned, for carrying out the objects of their Act—yes.

606. Now, as to fee-simple, I suppose you have seen deeds? Yes.

607. When a man has a fee-simple there are no covenants to observe? No.

608. His land is not liable to forfeiture? No.

609. But a lease is? Well, if this land were leased to the company, I take it that they would forfeit if they failed to do certain things.

610. Then is a lease as good as a fee-simple in this case? It is as good for carrying on the purposes of this Act.

611. The leases provide that they must keep working on the section. But let me put it to you absolutely: is a lease as good as a fee-simple for a man to lend money on? No; certainly not.

612. Are you aware that this company has had to increase its capital by borrowing? I have understood it to be so.

613. And had a bit of difficulty in getting the money? Possibly.

614. So, then, we come back to this: there would have been no objection on the part of the Crown to the company taking up a hundred acres at Kelly Basin before their line was put there? Not if they took it up according to the regulations.

615. And they could have got the fee-simple of the land at £1 an acre? Yes.

616. And this very land we are talking about they could have got at £1 an acre? Possibly.

617. Just as, as a matter of fact, people at King River could take up the sections? No, that is hardly right. Most of this piece of land would have been on the Crown reservation. All of it would not have been available.

618. They could have got clay lands there in fee-simple, at any rate? Further back.

619. Which would, probably, have suited their purpose better? Possibly.

620. Would you say whether that is probable or not? No.

621. *By Mr. Hall.*—Has the Crown sold any land in the vicinity of Kelly Basin? Yes.

622. Take the town of Pillinger. Has that been cut up into lots and sold? Yes.

623. Then, Mr. Counsel, that being so, can you give any reason why you object to the sale of this land. You see, the Crown has sold land in the same vicinity to the public in building allotments. Will you tell us why you object to this company—who have been the means of opening up the country and placing a value on that land at Pillinger—also taking up this nineteen acres of land in that neighbourhood on fee-simple? Yes.

624. Why have you specified that they should have that land under lease only, at the same time allowing the general public to go and take up the land nearly in fee-simple? We treat the company as an individual would be treated now, that is the point. The company is asking to be allowed to purchase an area which is practically in the town, and to purchase it in one block at a fixed price. All other land is subject to public competition, and sold in small allotments.

625. But the way I put it to you, Mr. Counsel, is this: through the enterprise and energy of this company, as you are aware, that land at Pillinger, which was worthless, has been brought up to a certain value? Yes, that is so.

626. Prior to the company's operations that land was not worth a shilling an acre to the Crown? No, as it stood.

627. And now it is worth a good many hundred pounds an acre, cut up into building allotments? Yes.

628. And that, as you say, has been brought about by the energy of this company. Now, I want you to explain this clause. You see, we have it in evidence that this 19½ acres is of a swampy nature, and, naturally, of little use; but it is used by this company, who have built brickworks and large sawmills on it for carrying on their works. Why, as Secretary of Lands, and head of that department, should this company be treated differently from the general public? I think the concessions given to the company for the constructing of the railway are sufficient, and as great as should be granted. I do not think that the company should be treated differently from other persons who want to hold land for the same purposes. If an individual wanted to take up the land for manufacturing purposes, or for timber, he would lease it; we should not sell it to him.

629. Supposing you advertised a sale of 50 allotments in the town of Pillinger, and I went down there with the money; there is nothing to prevent me buying the whole of those township lots? No.

630. And I should pay cash down, and get the transfers? Yes.

631. Then, surely, if this can apply to me as a private individual—

The Minister of Lands and Works: You would have to compete with the general public at the sales.

Mr. Hall: But this is my point, Mr. Chairman. Here is a company. It has placed a certain value on what was known as absolutely worthless land. There is no getting away from that fact.

The Chairman: And we have to encourage capital.

632. *By Mr. Hall.*—And the company has been paying rental for this land that the Secretary of Lands admits is exorbitant—£2 10s. an acre. The company has to go to the money-lender; and we know that there is an objection to lend money on insecure titles. I want to know, Mr. Counsel, why you, as Secretary of Lands, do not object to the sale to the general public of land of which the value has been placed by this company, but yet say that the company shall not have the same privilege of purchase? If the land were sold at auction, as the other lots are, I do not see that there is any objection to it.

633. *By the Chairman.*—Well, if the company had not brought the population there would have been no township of Pillinger? There might not, if some other enterprising company had not come along.

634. Well, there are lots of little bays and indentations down there on which they could obtain large blocks of land now in fee-simple? Outside the reservation.

635. Do you know the Great Western Railway Act? Yes, I have read it.

636. Do you know there are large land concessions made to that company? Yes.

637. And they get all the timber? Yes.

638. And large water-rights also? Yes.

639. Is your objection to extending the concessions to this company simply because they have already been fixed by Parliament? I think the concessions granted to the Great Western Railway Company were very wide.

640. And liberal? They were, I believe, very liberal.

641. *By the Minister of Lands and Works.*—Is any water granted free to the Great Western Railway Company? No, they have to pay for it.

642. Is any land given in fee simple? No.

643. Not a rood—not a perch? No.

644. If we allow this company to acquire land in fee simple, as asked under this Bill, could we reasonably object to similar concessions being granted to other companies? No.

645. Special Acts have been passed to give special leases to the Mount Lyell Company? Yes.

646. And to the Tasmanian Smelting Company? Yes.

647. Have both these companies put up large plants? Yes.

648. And extensive works? Yes.

649. Have they applied for or been allowed to acquire land in fee simple? No; they are leasing the land.

650. *By the Chairman.*—Do you know what the originally estimated cost of the North Mount Lyell Railway was to be? I don't remember now.

651. Well, would you be surprised to know that it cost four times the estimated amount? Yes, I have heard so.

652. Their application for concessions was on the basis of an expenditure of £90,000, and they have spent £390,000? Yes; The cost seems to be enormous and excessive, looking at the railway.

653. Yes; but you know the work they have had to do—the cuttings and so forth? Yes, but a lot of it was very easy, too—many miles of it.

654. Well, does the principal reason you urge against not giving these extra concessions lie in the fact that other companies have not got them? No; they were never contemplated—I don't think they were—when the Act was introduced, and I think it would be a bad thing to make an exception in this case.

655. Would not treating this company with liberality induce foreign capital to be brought into Tasmania? Yes, but I contend that they have been treated fairly.

656. Now, as regards this timber. They have got already, under their Act, the right to take all firewood for nothing? All that is required for working their own works.

657. And if this pine is required for railway purposes, they can take this also? Well, that is a technical point; it is questionable.

658. A question of law? Yes.

659. They claim the right, do they not? Yes.

660. And it is with a view to settling all these differences that they now propose to pay a uniform rate? That is what they are proposing.

661. I understood you to say in answer to the Minister of Lands, Mr. Counsel, that you do not know of any company that has received a grant of land from the Government? I do not think so; I can't say that I know of any.

662. A grant of land to a company similarly situated to this? No.

663. Are you aware that the Rocky River Company obtained a grant of the site for station, smelting works, and everything else of that kind? [No reply.]

The Minister of Lands and Works: Not in fee simple. Only on an easement.

Mr. Hall: No; the right is distinctly given to acquire an area of land in fee simple.

664. *By Mr. Simmons.*—Look at Section 7 again a moment, Mr. Counsel, will you—you see in that that no land of greater width than a chain can be obtained by the company unless plans are supplied, and the approval of the Governor in Council is obtained, and the plans are signed by the Minister? Yes.

665. Don't you consider that that would be an ample prevention? Yes, if these plans are furnished within a specified time.

666. Does the question of time matter? Yes; the experience of the department is that it is a very important concern, because there has always been great difficulty with railway syndicates and railway companies, in getting them to supply proper and accurate plans of the land they require.

667. But, let me put it this way: supposing that, say, in three years' time, the company desires to open a new station on their line, and requires extra land in consequence of that—you think it necessary that it should come to Parliament in order to get that extra width of land? No; I take it that that should be provided for here, and plans of the land required should be furnished.

668. Don't you think it is a sufficient safeguard if you make it plain that these plans must be approved by the Governor in Council, and signed by the Minister? No; I certainly think there ought to be a time fixed for supplying them.

669. How can you fix a time? Fix a certain time after the passing of the Act, as far as these lands required are concerned and, in the future, provide for any lands required in a similar way, by application.

670. You mean, fix a time for submitting plans of land already taken exceeding that chain in width? Yes.

671. And as to the future? And as to the future, it must be fixed definitely, I think.

672. In this Bill, you mean? Yes.

673. But, you see, the company may want to open a new station at any time in the future—say, fifteen years hence, Mr. Counsel? Well, why not provide for that?

674. How could the company possibly provide for it before they know of the necessity of it—before they know that they will ever want the station at all? I think, then, they could approach Parliament for it.

675. Every time they want a little piece of land for this purpose? Yes, if it is land in excess of what they want now.

676. Every time they want a little piece of land—a few feet, even, ten years hence—you think they ought to go to Parliament for it? Yes.

677. And you do not think it would be sufficient to provide that the approval of the Governor in Council should be obtained? I think they should be compelled to go to Parliament; because I know, in practice, the difficulty we have in getting these plans from railway companies.

678. *By the Chairman.*—You see, the piece of land might not be worth £20; but to go to Parliament would cost the company £500? Well, I see that. That might be got over by fixing the time within which the plans should be submitted.

679. *By Mr. Simmons.*—Are you not sufficiently safeguarded by knowing that the Governor in Council would not give consent to the company taking any such piece of land unless the plans were furnished? I am endeavouring to point out that there has always been a difficulty in getting these plans for such railways; and if they are not furnished there is nothing to show where the company is taking land, and so, in the future, disputes will arise with persons who want to take land adjoining them.

680. Well, there is nothing in this section that touches your difficulty. Do you know that a similar power to that now sought was conceded to the Mount Lyell Company last session? Yes, I am aware of that.

681. Now, you spoke about the company having cut a large quantity of pine—are you aware that they have had to purchase a very large quantity of pine (500,000 feet) from people who cut it under licence? It has been represented to me that they did purchase a considerable quantity.

682. For the purposes of works authorised under this original Act? That has been represented to me.

683. And the reason they purchased it was their want of facilities for getting out the pine they had cut? That is possible.

684. Now, you have already told us, that prior to the passing of the first Act, the company could have purchased this 19 acres of land at Kelly Basin—the clay reserve—for £19? Well, some portion of it.

685. The bulk of it, I think? [No reply.]

686. The whole of the present value of that 19 acres has been made by the North Mount Lyell Company's operations? Yes, very largely.

687. Well, almost entirely, has it not? Well, in a sense, yes.

688. Can you tell us what the sales of land in the town of Pillinger—the town allotments—amount to? I cannot tell; but they amount to some thousands.

689. And the Government has not spent any money there in railway works? No.

690. And the value of the town of Pillinger has been caused by the North Mount Lyell company? Very largely; yes.

691. Have you also made some sales of township allotments at Mount Darwin? Yes.

692. You have? Yes.

693. Value, how much? Well, forty or fifty allotments: say £1000.

694. That value again has been caused by the operations of the North Mount Lyell Company, has it not? Principally.

695. And has there been any land sold at Linda Valley? Yes; but of course you could not set that to the credit of the North Lyell Company; it is due to the district there; you are in a mining district at Linda Valley.

696. *By the Chairman.*—But the railway is there? Yes; that has contributed to the value of it.

697. *By Mr. Simmons.*—So far as is known there are no minerals on this 720 acres? I don't know.

698. You considered those prices of timber fair for the company arrangement, you say? Yes; that was the understanding at the time.

699. Why should they not also be fair for a permanent arrangement? The suggestion was that those rates should be adopted temporarily with a view to getting the business on a proper footing, because hitherto there had been disputes as to what the company's rights were.

700. Then this section is a kind of give-and-take arrangement; under the Act they are entitled to get timber for the railway free? Yes.

701. And under the new Bill they will pay for all timber? Yes.

702. And to that extent the Government will be a considerable gainer by the arrangement? Well, I cannot say that, because it is, as you say, a give-and-take thing. We consider we shall be fairly paid for the timber they take.

703. You suggest that regulations should be made. But, of course, regulations could be altered from time to time? Yes.

704. And, therefore, the company could have no guaranty that the regulations made would continue in force for any length of time? No.

705. Captain Anderson contends—I think you are aware of it, Mr. Counsel—that these prices are really more than what he can obtain the timber for in the ordinary way. Have you gone into figures as to that? Well, the data are not sufficient; but, looking at it broadly, I should not think so. I should think that this is a fair price.

706. But have you not any accurate calculations on the subject? No.

The witness withdrew.

W. H. WALLACE, *called and examined.*

707. *By the Chairman.*—What is your name? William Henry Wallace.

708. You are Secretary for Mines for Tasmania? Yes.

709. *By the Minister of Lands and Works.*—Have you read this Bill, Mr. Wallace? Well, I have seen it. I have not read it carefully through.

710. Have you read the clause that proposes to grant special leases to the company? Yes.

711. We have granted special leases to other companies previously? Yes.

712. Do you remember the terms of those leases? In the case of the Mount Lyell Company, it was for thirty years.

713. Would there be any objection now to issuing a lease for forty years—ten years longer? No, I don't think there would be any objection.

714. Have you read Clauses 22 onwards to about Clause 30? Yes.

715. Is it necessary for the company, in carrying out its mining or smelting operations, to obtain any special water-rights or water-powers? Not if the water within its own land is used.

716. But leaving its own land out of the question, does the Mining Act afford it opportunities of obtaining as much water as the country affords? Yes.

717. Does the Mining Act allow it to store and conserve water? Yes; it can construct dams and so forth.

718. Is it desirable that we should give it such powers as are sought under Clause 22, to construct reservoirs and dams, and to dam back, tap, or divert any rivers, streams, or water-courses on unoccupied Crown lands, or on Crown lands held by the company. Is such a power desirable? Well, I think it gets almost the same thing under the present Act. It can take up a water-right and dam-sites, and under its leases it would have power to divert and conserve water.

719. Does it get any exclusive right or priority of right under its present Act and the Mining Act? Well, of course, all rights of priority depend upon the order of applications, and the dates of making them.

720. In your opinion, is the granting of water-rights of a general character, such as are sought here, likely to seriously affect the mining industry? No, I don't think so.

721. If it obtained the exclusive right to all the waters of these rivers, against other people, will that be likely to seriously injure mining in that district? Well, yes, I think it would, if it got the exclusive right to all the water.

722. Have you read the section of the Bill? No, not recently.

The witness withdrew.

WEDNESDAY, SEPTEMBER 11, 1901.

MR. M. W. SIMMONS (instructed by Messrs. Simmons, Crisp, and Simmons) appeared for the North Mount Lyell Copper Company, Limited; and Mr. R. E. Macnaghten (instructed by Messrs. Butler, McIntyre, and Butler) for the Mount Lyell Mining and Railway Company, to object to certain clauses of the Bill. Mr. A. A. Winch appeared on his own behalf as a lessee of certain lands in the vicinity of Queenstown, and on behalf of the King Jukes Mining Company, the Prince Darwin Mining Company, and certain residents of Queenstown, to object to certain clauses of the Bill.

W. H. WALLACE, *examination continued.*

723. *By the Chairman.*—You have had to look up some information, I believe, Mr. Wallace? I have looked through the Bill. I had not seen it for some time—and then had only just glanced at it.

724. *By the Minister of Lands and Works.*—Have you read the Bill since you were last examined, Mr. Wallace? Yes.

725. Did you pay special attention to Clauses 22 to 32? Yes.

726. Will you favour the Committee with any observations you have to make about those, as from your position as Secretary for Mines? Section 22 proposes to give the company the right to take and divert any water, and dam it back: in fact, to give the company a monopoly of the whole of the water in the vicinity of Mounts Darwin and Jukes, Gormanston, Kelly Basin, and Crotty. It struck me, on reading this clause carefully through, that it would not be at all a wise thing to give any company a monopoly of the whole of the water in any particular place.

727. Is it necessary for this company, for the prosecution of its mining works or its smelting works, to seek such exclusive rights? I don't think so. It could probably get as much water as it requires under its ordinary leases. For instance: it is entitled to any water which may be passing through or along the boundary of any land it may take up.

728. Can it, under the Mining Act, secure, in the ordinary way, any water that is available? Yes.

729. Now, on the question of special leases, Mr. Wallace. You are aware that the term of the special leases granted to the Mount Lyell Company was thirty years? Yes.

730. Would there be any objection on the part of the Mines Department to similar special leases being granted to the North Mount Lyell Company? No, sir. Of course, the Mount Lyell Company is paying a very much higher rental than the North Mount Lyell Company proposes to pay. It is proposed to lease this land to the North Lyell Company at five shillings per acre. The Mount Lyell Company is paying, I think, twenty-five shillings per acre.

731. Well, it is as to the term of leases I was examining you. Is it desirable that we should make any difference between the two companies—that is, should give the North Lyell Company a forty years' term, as against the thirty years' term granted to the Mount Lyell Company? No.

732. Look at Clause 17. Will you give us your opinion as to whether it is wise to make any distinction, as between the two companies, with regard to renewals? I don't remember, just at present, upon what terms the Mount Lyell Company can renew; but this company's leases may be renewed upon the payment of a rent not exceeding double the rent previously paid. That is, not even as much as it pays upon renewal under "The Mining Act."

733. Do you think, then, that Clause 17 should be amended in that direction? Yes, I think so. I think it ought to be made to read the same as the section in the Mining Act.

734. You mean the section which provides for re-assessment? Yes.

735. Clause 16. Will you give us your interpretation of that clause, Mr. Wallace, please? I take it that it means that the company may take up any land adjoining its sections. There does not seem to be any limit to it. It may take one section, and then take up the sections surrounding it; then, from time to time, it may take up the sections surrounding those, section by section, and so increase the area indefinitely.

736. Is it wise to grant such a right, do you think? No, I don't think it is.

737. Section 20. That gives the company the right to mine for all minerals, from gold down to limestone, or any other mineral. Would there be any objection to that right being granted? No, sir, I don't think there is any objection to that.

738. I mean at the ordinary rent for a mineral section? Yes, I should object to that. I think, to entitle it to all the minerals, it should pay the rent for a gold lease.

739. Have you read the schedules, Mr. Wallace? Yes, sir.

740. Do you notice that in Section 34 the company asks for power to purchase the land described in Schedule (2.)? Yes, sir.

741. Are you aware that that is the land for which special leases are being asked? Yes, sir.

742. Do you think it is desirable that the company should be allowed to purchase that land? No, sir.

743. Is that against the policy of the Mines Department? Yes, sir.

744. Is it against the policy of the department to sell any land? To sell any land in the immediate vicinity of any mining works—yes.

745. *By Mr. Hall.*—In reply to that last question, Mr. Wallace, you stated to the Minister, of Lands that it was against the policy of the Mines Department to sell any land? Yes.

746. Has that policy been departed from during the last five years? I don't think so; that is, not for large blocks. Small areas for township purposes, of course, have been sold.

747. And are you aware that some five acres were sold to the Tasmanian Smelting Company at Zeehan? I was not aware of it.

748. *By the Minister of Lands and Works.*—You remember the special leases for the smelting company, Mr. Wallace? Yes.

749. *By Mr. Hall.*—Then, has the sale of those five acres escaped your notice, Mr. Wallace? Yes; I had overlooked the fact that they had a special Act.

750. Well, you gave evidence before the Select Committee sitting on the Rocky River Tramway Act, Mr. Wallace? Yes.

751. Did you offer any objection on that occasion to the grant of ten acres on the banks of the Pieman to that company? I don't remember the question being asked, nor do I remember being asked if the land was to be sold. I think I remember saying that there was no objection to it having ten acres at the terminus of its tramway, as a mining easement.

752. Well, Mr. Wallace, was this land at Kelly Basin of any value whatever to the State, the Mines Department, or anyone else, before the North Lyell Company constructed its railway; did it make the value of the land at Kelly Basin? Yes; I believe it did.

753. And then you say, as I understand, that it would be unwise to grant them the fee simple of this land? Yes.

754. You are aware of the purposes for which it requires the land—for brickmaking and sawmills.

The Minister of Lands and Works: No; I did not ask about that land. I was asking particularly as to the land in Schedule (2).

The Witness: Yes; the 800 acres.

755. *By Mr. Hall.*—Well, continuing, Mr. Wallace. You know the purposes for which the company requires that area? For smelting-works; yes.

756. Do you, as Secretary for Mines, consider it advisable, in the interests of the mining industry, to hamper a large industry like this; or a company carrying on a large and expensive

industry like this? No; I think it deserves every encouragement. At the same time, I don't think such a large area of land, upon which mining works are erected, should be sold.

757. Well, then, suppose the company agreed that, in consideration of the Crown complying with the provisions of this Act as to the land in Schedule (2), it would give a guarantee that the land would not be cut up into town allotments, but used solely for the purposes for which it intends it, namely, smelting operations, would that alter your opinion as to the desirability of giving it an absolute right to the land, so that its smelting operations would not be interfered with in any shape or form? Yes.

758. Would that alter your opinion? That would make a great difference.

759. And in view of an amendment of the section in that direction, would you see any serious objection to their obtaining the concession they ask for? No.

760. Have you read Schedule (3), Mr. Wallace? Yes.

761. Do you see any objection to selling the company that 19½ acres of land at Kelly Basin? No, sir.

762. No objection whatever? No.

763. You think it would be in the interests of the State to sell it? I think so.

764. *By the Chairman.*—Would you turn up Section 16, Mr. Wallace. I think that, in answer to the Minister, you said it was not desirable to give the company the power asked under that section? No.

765. But does this section give any power to the company at all; and, if so, why? Well, of course, it is for the Governor-in-Council to—

766. It is giving the power to the Governor-in-Council? Yes.

767. Does not your Mining Act give power to the Governor-in-Council to do certain things? Yes.

768. Is not this only the same power that is provided for here? Yes.

769. Is it not necessary to grant this power; so that if it wanted to get five acres of land at any time, the Governor in Council should have power to grant it, instead of the company being put to all the expense of going to Parliament? Yes; the Governor in Council could either grant or refuse to grant it.

770. And you recognise now that this is really a power granted to the Governor in Council, and not to the Company at all? Yes.

771. Now, you think that the leases should be confined to a term of thirty years? Yes.

772. Have you any particular reason for wishing that the lease should be for thirty years in preference to forty years; If it is only for thirty years, we have an opportunity of increasing the rent sooner, if we desire to.

773. You see, this land is not for mining purposes: you know that, don't you? [No reply.]

774. *The Minister of Lands and Works:* How can you say that, when this Bill distinctly gives the company power to mine for anything?

775. *By the Chairman.*—I am coming to that. Primarily, Mr. Wallace, the land is taken up for the purposes of working the smelters, is it not? Yes.

776. And would you imagine that a man or a company taking up land for the erection of smelters would like to be protected against the intrusion of other people coming on the land for any purpose whatever? Yes.

777. And supposing that in the course of its work it comes upon coal or limestone: you would not have any objection to its using it, would you? No.

778. And if there were gold in this limestone, would there be any objection to its taking this gold out? Well, it would not be entitled to the gold, under an ordinary lease.

779. Isn't there gold in galena? Yes, of course; you can't work one without taking the other.

780. Do you charge the galena companies extra rent because there happens to be some gold in their ore? No.

781. The Mount Lyell Company are practically paying rent on gold leases? They are paying both gold and mineral rates.

782. Well, as a question of policy, if the Mines Department were satisfied that this land was held, not for mining purposes, but for smelting purposes, do you think it is equitable to charge them such an enormous rent for valueless land? No, not if the land is used purely for smelting purposes.

783. And if the Mount Lyell Company are not mining? Well, of course, if they are not mining—

784. What I mean is this—is that the way to encourage the mining industry—to let the companies take valueless land, and then charge them an enormous rent? No.

785. You say it is not the policy of the Mines Department to sell land—do you mean that it is not the policy to sell land in any mining district, or where? In a mining district.

786. Is it not a fact that the fee simple to land in large areas—100-acre blocks—can be acquired at the present moment in mining districts on the West Coast? Not unless the land is right out of the district altogether.

787. But cannot such land be acquired, so long as it is not within a mile of a town? Under the land laws you can obtain land up to blocks of 100 acres, so long as it is within—or, I should

say, outside of—the boundary, a mile from any town. But I think most of these applications are referred to me; and I always object to the land being sold in mining districts.

788. Is it the policy of the Mines Department to prevent settlement taking place in the future on the West Coast—is it your policy that no land should be acquired at all? No; but it is very undesirable, I think, to sell land that is supposed to contain minerals.

789. But is this land supposed to contain minerals? Well, this land may not.

790. Well, if you are satisfied that there is no prospect of minerals being discovered on this land, would your objection still hold good? No.

791. Then if this eight hundred acres of land down there contain no minerals, would you have any objection to its being sold? No; I should not have any objection in that case.

792. Then, in that case, would you have any objection to this clause remaining in the bill, since it would depend on that—if there were an amendment of that clause, providing that the Minister should be satisfied that there were no minerals on the land, would you have any objection to its being sold to the company? No.

By the Minister of Lands and Works.—Are you aware, Mr. Wallace, that under this last Crown Lands Act, all lands sold in mining districts is still subject to certain restrictions with regard to minerals? Well, I don't say that all land is.

793. I mean all land sold in large areas? Yes; all land sold under Part IV. of the Crown Lands Act, which gives any one the right to seek for minerals.

794. Well, you know that that right is reserved in respect to all lands sold in mining districts; except in the case of such lots as might be sold for residence purposes? Yes.

795. And even in the case of land sold for residence purposes, there is the right reserved to mine within twenty-five feet of the surface? Yes.

796. So that, to a certain extent, the land is not sold in fee simple? No.

797. Now, apart from these special leases altogether—not taking them into consideration at all—would not this company be amply protected for all purposes under the ordinary leases by the provisions of the new Mining Act? With regard, that is, to people coming on the company's property to take gold, or shale, or any other mineral? Yes, nobody could apply for a lease of any portion of the land without obtaining a permit from the Commissioner.

The Chairman: That is, under the Mining Act, as to leases taken out under that Act. This refers to leases taken out under this Act. These leases are not under the Mining Act at all. It is an altogether different thing.

798. *By the Minister of Lands and Works.*—Well, Mr. Wallace, without the necessity of the company coming for any special leases at all, would its rights be absolutely safe-guarded under the present mining laws of the Colony? I would not like to say they would be absolutely safe under the present laws; it all depends on the Commissioner. I suppose that in most cases the Commissioner, before granting permission to mine, would first consult the lessee; and then, if the lessee made no objection, he would grant the permit. But, of course, it might happen that in some cases the Commissioner might grant the permit without referring to the lessee in the matter at all.

799. But on what terms; is it likely he would grant a permit in such a way that the lessee would be able to get no compensation? Of course, claims for compensation could be made. The Commissioner would have, in any case, to notify the lessee that a permit had been granted.

800. *By Mr. Simmons.*—Referring to Section 16 again, Mr. Wallace—"additional leases may be granted,"—are you aware that in 1893 a section, exactly similar in terms, was inserted in the Mount Lyell Company's Leases Act? Yes.

801. Well, do you see any reason why a distinction should be made in that respect, as between the North Mount Lyell Company and the Mount Lyell Company? I do not see any objection to the section now, as the Chairman has put it, because the power of granting the leases rests with the Governor in Council.

802. But this section is designed to put the North Lyell Company on the same footing as the Mount Lyell Company. You do not see any reason, I suppose, why a distinction should be made as between these companies? [No reply.]

By the Chairman.—He has withdrawn any objection to the clause, on the understanding that the power of granting the lease will be with the Governor in Council.

803. *By Mr. Simmons.*—I suppose, Mr. Wallace, that you are familiar with the Tasmanian Smelting Company's Act, passed last session? Yes.

804. And you know that under that Act the company was granted a special lease of thirty years, and a right of renewal for thirty years at a rent not exceeding double the rent now paid: exactly as is proposed in this Act? Yes.

805. And do you know of any definite reason why a distinction should be made in that matter, as between the Tasmanian Smelting Company and the North Mount Lyell Company? No.

806. Now, Section 6. of the Tasmanian Smelting Company's Act. The rental there was fixed at five shillings per year, and under Section 7 they were entitled to include the right to all minerals on the land covered by this lease. There again, Mr. Wallace, do you know any reason why a distinction should be made as between the Tasmanian Smelting Company and the North Mount Lyell Company? No.

807. Do you know what the relative expenditure of the two companies has been? No.

808. Can you say whether the Smelting Company or the North Lyell Company has expended most money? I suppose the North Mount Lyell Company has spent most.

809. Referring to Section 27 of the Bill, Mr. Wallace. You see there that it is proposed that the company should have power to supply any person with water, and with electric light, energy, and power, for such remuneration as shall be agreed upon. Now, supposing that that were made subject to charges to be approved by the Governor in Council, would you see any objection to the North Lyell Company supplying other companies with power in the manner proposed? No.

810. Don't you consider that it might be an advantage to some of the other companies to get the power, without being put to the expense of expensive works? Yes..

811. And under the Mining Act the company would not have power to sell the water, I understand? No.

812. So that unless they get it by an Act, they would not have the power at all? No.

813. *By Mr. Winch.*—Mr. Wallace, you are doubtless aware of the fact that there is no law in Tasmania whereby mining operations may be carried on on fee simple lands? No, there is not.

814. There is no law whatever to that effect? No.

815. Do you not think that it is quite possible that in years to come valuable minerals may be found upon this land? Yes..

816. Don't you think it would be greatly to the interest of the State, and of individuals in general, that this power should be reserved, whereby mining operations may be carried on upon this land? Yes; I said, a little while ago, that I had no objection to land being sold—

The Chairman: We want you to confine your questions, Mr. Winch, to your objections to the Bill, speaking on your own behalf, and on behalf of the several leaseholders you represent. You cannot argue as to the general public. Parliament represents the public, and can safely be left to look after the public interest.

The Minister of Lands and Works: If Mr. Winch's petition is to be heard on behalf of the public, we cannot stop him asking these questions.

[The Committee deliberated.]

Mr. Winch: If you will permit me the privilege of addressing the Committee on the Bill, clause by clause, I will not examine at all.

The witness withdrew.

APPENDIX A.

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

The humble Petition of the North Mount Lyell Copper Company, Limited,

SHOWETH:

1. That notice of the intention of your Petitioners to apply for a private Bill has been duly published within three months previously to the presentation of this Petition, as required by the Standing Rules and Orders of your Honourable House.

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

To enable the North Mount Lyell Copper Company Limited, to construct extensions and branches of and to its present railway, and alterations, deviations, or variations thereof.

To clear up certain doubts and difficulties raised as to the proper construction and meaning of the North Mount Lyell and Macquarie Harbour Railway Act, and otherwise to amend, extend, and enlarge the said Act.

To provide that any question as to fixing of the rates and tolls chargeable by the said company shall be settled by arbitration.

To authorise the issue of special mining leases to the said company.

To enable the said company to charge wharfage and dock rates.

To authorise the grant by the Crown to the said company of certain lands in fee simple.

To enable the said company to purchase the fee simple of certain lands now held under lease or licence, and to have certain timber reserves set aside for its use, and, generally, to confer such rights, privileges, and powers on the said company as may be calculated to induce it to expend capital in the development of mining properties in the vicinity of Mount Lyell, Mount Darwin, and Mount Jukes.

To provide for the infliction of penalties upon persons for infringing the provisions of the said Bill.

The said Bill will also contain all clauses usual in Bills of such a nature for enabling the said company to carry out the objects of the said undertakings.

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

Dated this fifteenth day of June, one thousand nine hundred and one.

THOS. LLOYD HOOD,

Agent for the North Mount Lyell Copper Company, Limited.

APPENDIX B.

Murray Street, Hobart, 22nd August, 1901.

*The Chairman, the Select Committee considering the North Mount Lyell Mining and Railway Bill,
c/o Clerk of the House, Parliament House.*

SIR,

We have received instructions from the Mount Lyell Company to prefer a request that we may be heard before the Select Committee considering the above-mentioned Bill, to offer objections on its behalf to certain clauses contained therein.

May we ask to be informed at what day and hour it will be convenient for your Committee to hear us on the matter stated.

We have the honour to be,

Sir,

Your obedient Servants,

BUTLER, McINTYRE, & BUTLER.

APPENDIX C.

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

The Petition of the Mount Lyell Mining and Railway Company Limited, registered in the State of Victoria, under the provisions of the Act of Parliament of that State, known as "The Companies' Act, 1890,"

RESPECTFULLY SHOWETH :

That the said company is opposed to certain clauses of a private Bill entitled "The North Mount Lyell Mining and Railway Act, 1901," and on the following grounds :—

That if the Bill which they now oppose is passed as printed, it will interfere with and embarrass the proper working of the Mount Lyell Company and its smelting and mining operations, and also very seriously interfere with their rights to acquire water for mining and other purposes, and if passed will, to a very large extent, give to the North Mount Lyell Company a monopoly of the principal sources of water supply in the district, and it will also give concessions to the North Mount Lyell Company which would be very much larger than those granted to other companies.

The Mount Lyell Mining and Railway Company, Limited, therefore prays that your Honourable House will protect their interests, and cause due inquiry to be made, and that the said company may be heard by counsel in opposition to the said Bill.

And your Petitioner will ever pray.

THE MOUNT LYELL MINING AND RAILWAY
COMPANY, LIMITED.

(By their Solicitors, BUTLER, McINTYRE, AND BUTLER.)

APPENDIX D.

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

The humble Petition of Ambrose Alfred Winch, of the Town of Queenstown in the Electoral District of Lyell, in the State of Tasmania, a Solicitor,

RESPECTFULLY SHOWETH :

1. That your humble Petitioner is a Solicitor, and resides in the Town of Queenstown, in the Electoral District of Lyell, in the State of Tasmania.

2. That your humble Petitioner has been informed that a Bill, intituled "The North Mount Lyell Mining and Railway Act, 1901," has been duly introduced to your Honourable House, read a first time, and referred to a Select Committee of your Honourable House.

3. That your humble Petitioner is the Lessee, from the Crown or Government of Tasmania, of Mineral Sections 1854-91m and 117-98, situate at or in the immediate vicinity of Mount Lyell, in the State of Tasmania.

4. That your humble Petitioner humbly submits that, if the said Bill is passed into and becomes law, he and the people of this State of Tasmania will be injuriously affected, and that enterprise and the development of the Mount Lyell, the Mount Darwin, and the Mount Jukes mineral districts will be hindered and hampered.

5. That your humble Petitioner desires to be heard at the Bar of this Honourable House in opposition to all and singular the sections, provisions, and matter of the said Bill.

Your humble Petitioner, therefore, humbly prays your Honourable House not to allow the said Bill to pass into and become law. And your humble Petitioner further humbly prays your Honourable House to allow him to be heard at the Bar of your Honourable House in opposition to the said Bill, and in support of this the humble Petition of your humble Petitioner.

And your Petitioner will ever pray, &c.

AMBROSE ALFRED WINCH,
Solicitor, Queenstown, in the State of Tasmania.

APPENDIX E.

*Department of Lands and Surveys, Tasmania,
Hobart, 7th September, 1901.*

*The Hon. D. C. URQUHART, Chairman Select Committee,
North Mount Lyell Mining and Railway Bill.*

Re North Mount Lyell Mining and Railway Bill, 1901.

It quite escaped my memory, when replying to Question No. 530, that an area of 5a. 3r. Op. was sold in fee simple to the Tasmanian Smelting Company, Limited, Zeehan, by the authority of special Act of Parliament, 1900, 64 Vict. No. 55. I shall, therefore, feel obliged if you will tender my apologies to the Select Committee for the error I made, and I have to request that you will be good enough to ask the sanction of the Committee to my evidence being corrected in that particular.

E. A. COUNSEL, *Surveyor-General
and Secretary for Lands.*

APPENDIX F.

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

The humble Petition of the undersigned Residents of the Electoral District of Lyell, in
the State of Tasmania,

RESPECTFULLY SHOWETH :

1. That your humble Petitioners reside within the Electoral District of Lyell, in the State of Tasmania.
2. That your humble Petitioners are aware that a Bill, intituled "The North Mount Lyell Mining and Railway Act, 1901," has been duly introduced to your Honourable House, read a first time, and referred to a Select Committee of your Honourable House.
3. That your humble Petitioners respectfully submit that the powers sought to be obtained by Section 3 of the said Bill should, in the said Bill itself, be accurately defined, described, and limited, and should be subject to the approval of your Honourable House, and not to the approval of the Minister.
4. That your humble Petitioners respectfully submit that the powers sought to be obtained by Section 5 of the said Bill should, in the said Bill, be accurately defined, described, and limited, and should be subject to the approval of your Honourable House only, and not to the approval of the Minister.
5. That your humble Petitioners do respectfully submit that the power to grant means of communication with the mineral lands in the vicinity of Mount Lyell, Mount Darwin, and Mount Jukes, in Tasmania should not be granted to the North Mount Lyell Copper Company, Limited, but that the power to do so should, in the best interests of your humble Petitioners and the people of this State, be reserved to His Most Gracious Majesty King Edward the Seventh, and his Successors.
6. That your humble Petitioners do verily believe, that if Section 9 of the said Bill be passed into law, that enterprise will receive a severe check, and that the mining industry of this State will be hampered and injuriously restricted if the present tolls, rates, and charges made upon the Railway of the North Mount Lyell Copper Company, Limited, are increased.
7. That your humble Petitioners do respectfully submit that the increase in actual mileage sought by Section 10 of the said Bill is too great, and your humble Petitioners would most respectfully request that the said section be struck out.
8. That your humble Petitioners do verily believe that the mining and commercial industries of the Lyell District will be prejudicially affected if Sections 13 and 18 of the said Bill be passed into law.
9. That your humble Petitioners do respectfully submit that the Lease or Leases sought to be obtained under Section 16 of the said Act should, in the interests of this State, be accurately defined, described, and limited by the said Bill.
10. That your humble Petitioners do respectfully submit that, in the best interests of this State, Section 21 be struck out, and that Section 70 of the North Mount Lyell and Macquarie Harbour Railway Act should be retained.

11. That your humble Petitioners do respectfully submit that the powers, rights, and privileges sought to be obtained by Sections 4, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of the said Bill are too indefinite and comprehensive, and your Petitioners do verily believe that if the said sections of the said Bill be passed into law that the lessees of mineral sections situate in the immediate vicinity of Mount Darwin, Mount Lyell, and Mount Jukes in Tasmania will be seriously hampered and restrained in the conduct of mining operations, and the means of profitably working their properties will be taken from them, or else so interfered with as to render their existence as payable mines impossible.

12. That your humble Petitioners to verily believe, that if Sections 22, 33, 34, and 35 of the said Bill be passed into law, that all existing and future town boards and other local bodies having jurisdiction in the immediate vicinity of Mount Lyell, Mount Jukes, and Mount Darwin will not be in a position to provide water and the means of lighting and cleansing to their respective communities.

13. That your humble Petitioners do verily believe that if the said Bill is passed into law in its present form, the State of Tasmania, and in particular the residents in this Electoral District of Lyell, will be prejudicially and injuriously affected, and deprived of many benefits and privileges.

14. That your humble Petitioners desire to be heard by counsel, in opposition to the said Bill, at the Bar of your Honourable House.

Your humble Petitioners therefore humbly pray your Honourable House not to allow the said Bill to pass into and become law. And your humble Petitioners further humbly pray your Honourable House to allow your humble Petitioners to be heard by counsel, in opposition to the said Bill, at the Bar of your Honourable House.

And your Petitioners will ever pray, &c.

[Here follow 77 Signatures.]

APPENDIX G.

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

The humble Petition of the King Jukes Copper and Gold Prospecting Association, No Liability,

RESPECTFULLY SHOWETH :

1. That your humble Petitioner is the King Jukes Copper and Gold Prospecting Association, No Liability, a company duly registered under the provisions of an Act of Parliament of the State of Tasmania, entitled "The Mining Companies Act, 1884," and carrying on mining operations at or in the immediate vicinity of Mount Jukes, in the State of Tasmania.

2. That you Petitioner is the lessee from the Crown or Government of Tasmania of Mineral Section 1737-93M, 40 acres in area, and also of 1861-93M, 40 acres in area, situate at Mount Jukes aforesaid.

3. That your humble Petitioner is aware that a Bill, entitled "The North Mount Lyell Mining and Railway Act, 1901," has been introduced to your Honourable House, read a first time, and referred to a Select Committee of your Honourable House.

4. That your humble Petitioner respectfully submits that, if the said Bill is passed into law, your humble Petitioner will be prejudicially affected and restrained in the conduct of mining operations upon the said sections.

5. That your humble Petitioner respectfully submits that, if the said Bill be passed into law, your humble Petitioner will be retarded in the development of the said sections, and that the North Mount Lyell Copper Company, Limited, will be in a position to harass and injure your humble Petitioner in the working of the said sections.

6. That your humble Petitioner believes that, if the said Bill be passed into and become law, your humble Petitioner will be unable to profitably work the said sections.

7. That your humble Petitioner desires to be heard at the Bar of your Honourable House by its counsel, Mr. Ambrose Alfred Winch, of Queenstown, in the State of Tasmania, a duly-qualified legal practitioner.

8. That your humble Petitioner respectfully submits, that the powers and privileges sought to be obtained by Sections 4 and 5 of the said Bill should be particularly defined, comprised, and described in the said Bill, and that Section 9 of the said Bill should be struck out.

Your humble Petitioner therefore humbly prays your Honourable House not to allow the said Bill to pass into and become law. And your humble Petitioner further humbly prays your Honourable House to allow Mr. Ambrose Alfred Winch, of Queenstown, in the State of Tasmania, a duly-qualified legal practitioner, and the counsel of your Petitioner, to appear at the Bar of your Honourable House, and be heard in opposition to the said Bill.

And your Petitioner will ever pray, &c.

Given under the Seal of the King Jukes Copper and Gold Prospecting Association, No Liability, and the hands of two of its Directors.

JAS. CAIRNS,
WILLIAM GRIEVE, } *Directors.*
ARCHD. DOUGLAS, *Legal Manager.*

APPENDIX H.

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

The humble Petition of the Prince Darwin Copper Company, No Liability,

RESPECTFULLY SHOWETH:

1. That your humble Petitioner is the Prince Darwin Copper Company, No Liability, a company duly registered under the provisions of an Act of Parliament of the State of Tasmania, intituled "The Mining Companies Act, 1884," and carries on mining operations at or in the immediate vicinity of Mount Darwin, in the State of Tasmania.

2. That your humble Petitioner is the lessee from the Crown or Government of Tasmania of Mineral Section No. 2662-93M.

3. That your humble Petitioner is aware that a Bill, intituled "The North Mount Lyell Mining and Railway Act, 1901," has been introduced to your Honourable House, read a first time, and referred to a Select Committee of your Honourable House.

4. That your humble Petitioner respectfully submits that, if the said Bill be passed into law, your humble Petitioner will be prejudicially affected, and restrained in the conduct of mining operations upon the said section.

5. That your humble Petitioner respectfully submits that, if the said Bill be passed into law, your humble Petitioner will be retarded in the development of the said section, and that the North Mount Lyell Copper Company, Limited, will be in a position to harass and injure your humble Petitioner in the working of the said section.

6. That your humble Petitioner believes that if the said Bill be passed into and become law, your humble Petitioner will be unable to profitably work the said section.

7. That your humble Petitioner desires to be heard at the Bar of your Honourable House, by its counsel, Mr. Ambrose Alfred Winch, of Queenstown, in the State of Tasmania, a duly-qualified legal practitioner.

8. That your humble Petitioner respectfully submits that the powers and privileges sought to be obtained by Sections 4 and 5 of the said Bill should be particularly, defined, comprised, and described in the said Bill, and that Section 9 of the said Bill should be struck out.

Your humble Petitioner therefore humbly prays your Honourable House not to allow the said Bill to pass into and become law. And your humble Petitioner further humbly prays your Honourable House to allow Mr. Ambrose Alfred Winch, of Queenstown, in the State of Tasmania, a duly-qualified legal practitioner, and the counsel of your Petitioner, to appear at the Bar of your Honourable House, and be heard in opposition to the said Bill.

And your Petitioner will ever pray, &c.

Given under the Seal of the Prince Darwin Copper Company, No Liability, and the hands of two Directors and the Manager.

CHAS. ANDERSON, } *Directors.*
WILLIAM H. LEWIS, }
W. P. CALDER, *Manager.*

As amended by the Select Committee.

A

B I L L

TO

Amend "The North Mount *Lyell* and *Mac-* A.D. 1901.
quarie Harbour Railway Act," and to
 authorise the issue of Special Leases to
 "The North Mount *Lyell* Copper Com-
 pany, Limited," and for other purposes.

WHEREAS the North Mount *Lyell* Copper Company Limited
 is the lawful assignee and transferee of all the rights, powers,
 privileges, benefits, concessions, and advantages conferred on the
 North Mount *Lyell* Mining Company No Liability by "The North
 5 Mount *Lyell* and *Macquarie* Harbour Railway Act."

PREAMBLE.

And whereas it [being] (is) desirable to [offer further inducements
 to the North Mount *Lyell* Copper Company, Limited to expend
 capital to further the development of the mining properties in the
 vicinity of Mount *Lyell*, Mount *Darwin*, and Mount *Jukes*, and to]
 10 clear up certain doubts raised as to the proper construction and
 meaning of the said Act, it is expedient to amend "The North
 Mount *Lyell* and *Macquarie* Harbour Railway Act" in the manner
 hereinafter provided:

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

1 This Act may be cited as "The North Mount *Lyell* Mining and
 Railway Act, 1901." Short title.

20 2 In this Act the expression "the said Act" shall mean the Act
 of the Parliament of *Tasmania* intituled "An Act to authorise
 'The North Mount *Lyell* Mining Company No Liability' to con-
 struct and maintain and work a Railway from Mount *Lyell* to
Macquarie Harbour," and the expression "the Railway" shall mean
 25 the Railway which the said Act authorises the said Company to
 construct, maintain, and work, and the expression "the Company"
 shall mean "The North Mount *Lyell* Copper Company Limited"
 and its assigns.

Interpretation.

[Private.]

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

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Break of gauge
in branches.

3 Notwithstanding anything to the contrary contained in the said Act, it shall be lawful for the Company to construct any of the extensions and branches authorised by Section Twelve of the said Act, and also any branches or extensions authorised by this Act of any of the Three gauges specified in Section Five of the said 5 Act, and it shall not be obligatory for the Company to construct the said extensions and branches of the same gauge as its main line of Railway or of the same gauge as any other branch ; and it shall be lawful for the Company to construct (any branches, extensions, or) tram lines (authorised by the said Act, or this Act) of any grade [that 10 shall] (or curve, provided such branches, extensions, or tram lines) be provided with suitable machinery for the safe working of (the) same. (Provided also that the suitability of the machinery be subject to the approval of the Engineer-in-Chief.)

Routes of
extensions and
branches au-
thorised in
principal Act.

4 Notwithstanding anything to the contrary contained in the 15 said Act, it shall be lawful for the Company to make such alterations in the routes of the extensions and branches of the Railway authorised by Section Twelve of the said Act as the [Minister] (Governor in Council) may from time to time approve. [And it shall be lawful for the Company to construct a branch of the Railway from 20 the Sections of Mineral land held by the South Mount *Lyell* Company to the Sections of Mineral Land held by the Mount *Lyell Comstock* Company along any route that may be approved by the Minister.]

General power
to construct
branches.

5 It shall be lawful for the Company to make any branches or extension of the Railway to any Mineral Lands in the vicinity of 25 Mount *Lyell* Mount *Darwin*, or Mount *Jukes*, along any route that may be approved by the Minister (and also to make the Town of *Gormanston* a terminus for any branch line or extension now or hereafter to be constructed by the Company.)

Branches to
Smelters.

6 It shall be lawful for the Company to make a branch or 30 branches of the Railway to its Smelters and to any land or any portion of any land which may be leased to the Company under the provisions of this Act, and to make sidings.

(Provided always that the Company shall not be at liberty to construct any branch, extension, or tramline under the powers conferred 35 by this Section or the preceding Section to any point distant more than Five miles from the Railway, unless such branch, extension, or tramline has been sanctioned by a Resolution of both Houses of Parliament.

Provided also that, before any such Resolution is proposed, at least Fourteen days' notice of motion be given in the House in which it is 40 first introduced, and that previously an advertisement of intention to move the same shall have been published Once a week for Two consecutive weeks in a public newspaper published in *Hobart* and *Launceston*, and in a public newspaper published in or nearest to the district affected by the proposed branch, extension, or tramline, and that an 45 interval of Seven days shall elapse between the passing of the Resolution in one House and its confirmation in the other.

Provided further that, before application is made to the Minister to approve a route for any branch or extension under the preceding Section to a point distant not more than Five miles from the Railway, 50 notice of the intention of the Company to make such application shall be advertised Once in a public newspaper published in *Hobart* and *Launceston*, and Twice in a public newspaper published in or nearest to the district affected by the proposed branch or extension.)

7 The Company shall be deemed to have been entitled, as from A.D. 1901.
the date of the coming into operation of the said Act, to take and
use, and shall hereafter be entitled to continue to use all such
portions of Crown land exceeding the width of One chain
5 as have in fact been taken and used by them for the
construction and execution of the Railway and works, and
for the maintenance and working of the Railway, such
portions of Crown land to be delineated on plans which
have been or which may be supplied by the Company to the
10 Minister, and to be approved of by the Governor in Council and
signed by the Minister; and it shall be lawful for the Company at
any time or times hereafter, subject to the provisions of the said
Act where not inconsistent with this Act, and subject to the ap-
proval of the Governor in Council, to take and use all such further
15 portions of Crown land in excess of One chain in width as may be
required for the construction and execution of any of the works
mentioned in Section Thirty-seven of the said Act, or for the main-
tenance or better or more efficient working of the Railway.

Company entitled
to continue
the use of and
take further
portions of
Crown land in
lieu of One chain
in width.

Provided always, that the right by this Act conferred upon the
20 Company to take and use or to continue to use Crown land, shall
not be deemed to be of any greater or other nature or extent than
that of an easement.

8 It shall be lawful for the Minister to construct and maintain
any road across the Railway at any point directed by the Minister
25 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 Railway with-
30 out paying any compensation to the Company: Provided always
that no road shall be constructed over any land used by the Com-
pany as a station-yard without the consent of the Company, nor
over any portion of the Railway if the traffic thereon is likely to be
interfered with by the use of such road.

Minister may
authorise con-
struction of
public roads
across Railway.

(after the passing of this Act)

35 9—(1.) If at any time* any toll, rate, fare, or charge for the car-
riage and conveyance of passengers, goods, merchandise, live stock,
chattels, and other things of any description, (shall be) fixed, altered, or
amended in accordance with Section Twenty-five of the said Act (which)
shall be considered by the Company to be unprofitable, the Com-
40 pany may at any time after such is made require by notice in
writing to the Minister that the question whether such toll, rate,
fare, or charge shall be binding on the Company, shall be referred
to the determination of Three Arbitrators, One of whom shall be
appointed by the Minister, and One of whom shall be appointed by
45 the Company and the third shall be appointed by the other Two
Arbitrators. (Provided that such notice shall be given within Two
months after such fixing, alteration, or amendment as aforesaid.)

Rates and toll
chargeable by
the Company for
the carriage of
goods.

(2.) If the Minister fail[s] or refuse[s] to appoint an Arbitrator
for the purpose aforesaid within a period of One month after
50 having received notice in writing from the Company to do so, it
shall be lawful for the Company to appoint an Arbitrator
to act with the Arbitrator appointed by the Company,
and such Two Arbitrators shall appoint a third Arbitrator, and if
any vacancy shall occur among the Arbitrators before they have de-
55 termined the matter referred to them, such vacancy shall be filled
up by the appointment of another Arbitrator by the same authority
by which the Arbitrator whose place has become vacant was ap-
pointed,




A.D. 1901.

(3.) The Arbitrators, or a majority of them, after taking into consideration the reason for such fixture, alteration, or amendment, and the profits being made on the Railway, shall determine what shall be the amount of such toll, rate, fare, or charge on the Railway: And in so far as such determination may be in contravention of Section Twenty-five of the said Act, Section Twenty-five is hereby repealed.

(4.) The tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, live stock, chattels, and other things of every description on the Railway shall not be subject to any alteration or amendment made in accordance with Section Twenty-five of the said Act from the time that the Company gives notice in writing to the Minister as hereinbefore provided until the tolls, rates, fares, and charges are so determined by the Arbitrators as aforesaid.

(5.) For the purposes of this Section, the provisions of "The Arbitration Act, 1892," except as hereby varied, are incorporated with this Act.

Company may
add mileage for
Abt section.

10 It shall be lawful for the Company to multiply by Three the actual mileage in computation of the tolls, rates, fares, and charges for the conveyance and carriage of all passengers, goods, merchandise, live stock, chattels, and other things over and along those Sections of the Railway or its branches and extensions which are worked with the assistance of a rack or third rail in accordance with either of the systems known respectively as the *Abt* or *Fell* systems, or other special mechanism; but such additions to the mileage shall not be allowed in respect of the tolls, rates, fares, and charges for the conveyance and carriage of passengers in any train unless accommodation is provided therein for the carriage of passengers at both First and Second class rates.

Power to issue
special leases.



11 It shall be lawful for the Minister at any time and from time to time to accept surrenders from the Company of all or any of the Leases from time to time (now) held by the Company under any Act, and to grant to the Company instead and in place of the Lease or Leases so surrendered a special Lease or Leases in accordance with the provisions of this Act of the Lands mentioned and described in the Lease or Leases surrendered by the Company under the authority of this Act.

Form and
contents of lease.



12 Every Lease granted under this Act shall be for a term of [Forty] (Thirty) years, and shall contain the reservations, covenants, conditions, and provisos contained in the Form of Lease set forth in Schedule (1.) hereto.



[Provided that if at the expiration of Five years from the date of the passing of this Act the Company is not able to satisfy the Minister that it has expended in the development and improvement of its mining property and by the erection of plant and machinery necessary for the purposes or business of the Company, and by the construction of the Railway authorised by "The North Mount Lyell and Macquarie Harbour Railway Act," a sum of not less than Four hundred thousand Pounds, then the term of any special Lease issued under the authority of this Act for any term exceeding Ten years shall be regarded as a Lease for Ten years from the date of its issue, instead of for the full term therein mentioned, but with the same right to renewal at the expiration of such Ten years as if the special Lease had been issued under the provisions of "The Mining Act, 1900."]

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13 It shall be lawful for the Minister of Lands from time to time to grant to the Company a special Lease in the form of Lease set forth in Schedule (1.) hereto of the piece of Land containing [Eight] (Seven) hundred (and Twenty) acres described in Schedule 5 (2.) hereto; also from time to time to grant to the Company any easement over any such Land as aforesaid for such period and on such terms and conditions as the Minister may think fit.

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Minister may lease land exempted from operation of "The Mining Act, 1893," to Company,

Provided always, that all the provisions of the said Act as to the taking over and acquiring the Railway shall apply to any portions of the Lands to be leased under this Act which at the time of the said purchase may be used for or may be necessary to be used for the working of the Railway.

14 Every Lease granted under the authority of this Act shall be by deed, and shall be in duplicate, and One part thereof shall be signed, sealed, and delivered by the Minister and the other part shall be executed and delivered by the Company, and shall bind the Company, its successors, and assigns, to occupy and work the Land therein described under and subject to the conditions and stipulations and grounds of forfeiture therein set forth.

Lease to be by deed.

15 The rent to be paid for the Land comprised in any Lease granted under the authority of this Act shall be Five Shillings per year for every acre or part of an acre comprised in the Lease, and shall be payable in advance on the First day of *July* in every year, and in every case in which a Lease shall be granted under this Act after the First day of *July* in any year the rent for the Land comprised in such Lease shall be paid in advance for the period ending on the Thirtieth day of *June* following the date thereof.

Rent.

16 It shall be lawful for the Governor in Council to grant to the Company a Lease or Leases in accordance with the provisions of this Act of any Land joining on to any Land comprised in any Lease surrendered by the Company under the authority of this Act. Lease surrendered by the Company under the authority of this Act.]

[Additional leases may be granted.]

17 Every Lease granted under the authority of this Act shall, at the option of the Company, be renewed upon the expiration thereof for a further period of Thirty years upon the same terms and conditions, and subject to the payment of such rent [not exceeding double the rent previously paid for the Land thereby leased,] as the Governor in Council shall think fit to impose (under any mining Act then in force)

Leases may be renewed.

18 It shall be lawful for the Minister at any time and from time to time to accept surrenders from the Company of all or any water-rights, easements, or licences held from time to time by the Company, and to give to the Company instead and in place thereof water-rights, easements, and licences for a period concurrent with the special Leases and the renewals thereof authorised by this Act to be granted to the Company.

Special easements to be granted.

19 Subject to the provisions of this Act, all the provisions of "The Mining Act, 1900," as far as the same are applicable and are not inconsistent with the provisions of this Act, shall apply to all Leases, water-rights, easements, and licences granted under the authority of this Act.

Provisions of "The Mining Act, 1900," to apply.

Provided always, that the provisions in "The Mining Act, 1900," as to amalgamation of claims held under Lease, shall not apply to

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any Leases granted to the Company under the authority of this Act, but the whole of the Land included in any Lease or Leases to be granted under the authority of this Act shall be considered as amalgamated into and forming One claim.

Leases to include
all minerals.

20 Every Lease granted under the authority of this Act shall enable the Company to mine for, raise, and extract from the Land therein described gold, silver, copper, tin, lead, coal, shale, slate, freestone, limestone, and any other mineral or substance found in or under such Land, and to appropriate and dispose of the same in accordance with the provisions of such Lease for the sole use and benefit of the Company. 10

Minister not to
give notice of
intention to purchase
Railway
until expiration
of special leases.



21 Notwithstanding anything contained in the said Act, it shall not be lawful for the Minister to give notice to the Company of the intention of the Crown to take over the Railway under the provisions of the said Act until the expiration of 15 [any special Lease or Leases and the renewals thereof granted by the Minister to the Company under the provisions of this Act] (a period of Thirty years from the date of the passing of this Act. And for the purposes of Sections Seventy, Seventy-one, Seventy-two, Seventy-three, Seventy-four, Seventy-five, and Seventy-six of the said Act, and 20 of this Section of this Act, the expression "the said Railway" shall include all branches, extensions, and tramlines constructed by the Company under the authority of the said Act or this Act: Provided the construction of such branches, extensions, or tramlines have been first approved by Resolution of both Houses of Parliament.) 25

[Right to
conserve water.]



[22] It shall be lawful for the Company, for the purpose of conserving and affording a supply of water, electric light energy, and power, to the Mineral Lands in the vicinity of Mount *Lyell*, Mount *Darwin*, and Mount *Jukes*, and to the miners and inhabitants of *Gormanston*, *Kelly's Basin*, and *Crotty* (the locality 30 of the Company's smelter site), and for the purposes of any of the Company's works, to construct reservoirs and dams and to dam back, tap, or divert any rivers, streams, or water-courses on unoccupied Crown Lands or on Crown Lands held by the Company under Lease or licence or on Lands of which it has acquired the 35 ownership in fee simple, and to enter upon, take, and use such of the said Lands as the Company shall deem necessary for such purpose, and to intercept, collect, and impound, and use for the purposes of the undertaking, the storm or rain water which shall fall or enter upon or drain into the said Lands, and also to take, collect, 40 and divert into the intended reservoirs, dams, aqueducts, and waterworks the water from or out of any springs, lakes, or natural reservoirs to be found on or under the said Lands.]

[Works.]



[23] It shall be lawful for the Company from time to time to make and execute all or any of the works following (that is to say):— 45
Aqueducts, sluices, or races from its reservoirs or any or either of them to the others of such reservoirs or any or either of them, together with all necessary and proper embankments, cuttings, drains, weirs, dams, arches, and other conveniences.

Also to divert any existing watercourses and to deepen or otherwise improve such aqueducts, sluices, or races, and the beds or banks thereof, and to arch over the same. 50

Also to lay down mains or pipes, and to make sluices or races from any of the reservoirs or works belonging to the Company to any place or places mentioned in the preceding Section, and to lay 55

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down, erect, and set up service-pipes or stand-pipes in connection with such mains, sluices, or races, reservoirs, or works. A.D. 1901

Also to construct and erect such earthwork, brickwork, masonry, and buildings as the Company may deem requisite.

5 Also to lay out, make, and construct convenient roads or ways to the said works, or for any other purposes connected with the said waterworks which the Company may think beneficial to the undertaking.

Also to extend their mains, pipes, sluices, or races whenever it shall be necessary for supplying the mining companies, miners, and inhabitants with water.

And also from time to time maintain, repair, or alter the before-mentioned works or any of them.]

15 [24 It shall be lawful for the Company to erect and set up any steam engines, mills, or other pumping or lifting power for the purpose of raising water out of or into the reservoirs, aqueducts, dams, sluices, or races of the Company, and to construct and maintain in connection with such engines, mills, or other power such drains and other works as the Company shall from time to time think expedient.]

[Power to erect steam engines.]

25 [25 Every person who shall wilfully obstruct any person acting under the authority of the Company in making, executing, constructing, or erecting any of the waterworks, or shall wilfully injure or destroy any of the works belonging to the Company, shall be liable to a penalty not exceeding Fifty Pounds for every such offence.]

[Penalty for wilfully injuring the works of the Company.]

30 [26 The Company shall do as little damage as may be in the execution of the powers by this Act granted, and shall make compensation for any damage which may be done in the execution of such powers, and in event of disagreement between the parties as to the amount of compensation the same shall be determined by arbitration under the provisions of "The Arbitration Act, 1892."]

[Company to make compensation.]

35 [27 The Company may from time to time supply any person with water for any purposes, and with electric light, energy, and power, for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the person desirous of having the supply.]

[Water and electric light may be supplied by agreement.]

40 [28 Every person who, not having agreed to be supplied with water by the Company, shall take any water from any reservoir, dam, aqueduct, sluice, or race belonging to the Company, or from any other work or place containing water belonging to the Company shall forfeit to the Company for every such offence a sum not exceeding Ten Pounds.]

[Penalty for taking Company's water without agreement.]

45 [29 Every person who shall wilfully or carelessly break, injure, or open any lock, valve, pipe, or work belonging to the Company or shall unlawfully draw off, divert, or take the water from any reservoir, aqueduct, sluice, race, or other works of the Company, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the Company for every such offence a sum not exceeding Fifty pounds.]

[Penalty for destroying aqueduct, &c.]

[30 Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit to the Company a sum not exceeding Five Pounds—that is to say—every

[Penalty for causing the water of the Company to be fouled, &c.]

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person who shall bathe in any reservoir, aqueduct, or other waterworks belonging to the Company, or wash, throw, or cause to enter therein any dog or other animal ; every person who shall throw any rubbish, dirt, filth, or other noisome thing into such reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse 5 therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing.

Every person who shall cause the water of any sink, sewer, or drain, or other filthy water belonging to him, or under his control, or any sludge or tailings to run or be brought into any reservoir, 10 aqueduct, or other watercourse belonging to the Company, or shall do any act whereby the water of the Company shall be fouled ; and every such person shall forfeit a further sum not exceeding a sum of Forty Shillings for each day (if more than One) that such last-mentioned offence shall be continued.] 15

[Liability to penalty not to relieve from other liabilities.]

[31 Notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability or punishment to which he would have been subject if this Act had not been passed.]

[Penalty to Company for injuring line, meters, or fittings.]

[32 Every person who wilfully, fraudulently, or by culp- 20 able negligence injures or suffers to be injured any electric line, meter, accumulator, transformer, fittings, apparatus, or works belonging to the Company, or alters the index to any meter, or prevents any meter from duly registering the quantity of electricity supplied or fraudulently abstracts, consumes, or uses electricity of 25 the Company, shall, on conviction (without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender), for every such offence forfeit and pay a penalty not exceeding Five Pounds, and, in addition, the Company may recover the amount of any damage by it sustained.] 30

Right to charge wharfage and dock rates.

33 (The last proviso of Section Thirty-seven of the said Act is hereby repealed, and the following shall be read and construed as the last proviso of the said Section :—) “ It shall be lawful for the Company (subject to the approval of the Governor in Council) from time to time to demand, take, collect, levy, and make such reasonable tolls, 35 rates, fares, and charges for allowing goods, merchandise, live stock, chattels, and other things of every description to be conveyed over and along or deposited in or upon such wharves, piers, or docks as have been or may be constructed in accordance with the powers conferred by (this) Section ” [Thirty-seven of the said Act.] 40

Power to purchase land.

34 The Company shall have the right to purchase the fee simple of the Land described in Schedule (3.) hereto at the price of One Pound per acre : And the Company shall have the right, subject to the approval of the Governor in Council, to purchase the fee simple of the Crown Land described in Schedule (2.) hereto, or any portion 45 thereof at any time held by it under Lease, at a price to be agreed on between the Minister and the Company not exceeding Two Pounds per acre.

Timber reserves.

35 [The Company shall have the right to an exclusive, permanent reservation during the period of any special Leases and renewals thereof granted by the Minister to the Company under this Act of all timber in the areas of Crown Lands which were reserved for timber required by the Company in the construction of the Rail- 50 way. But this Section shall give the Company no other right over

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the said areas of Crown Lands except a licence to cut and remove A.D. 1901,
timber.] The Company shall pay to the Minister as the purchase-
money for all timber removed by the Company [from the said areas,
and] from any [other] Crown Land, a Royalty of One Shilling
-5 and Sixpence per One thousand superficial feet for pine and black-
wood, and Sixpence for One thousand superficial feet for all hard
and other kinds of wood, and One Penny per ton of Eighty feet for
all fire and cord wood. The wood so purchased shall be the absolute
property of the Company. (and it shall be lawful for the Minister from
10 time to time to set aside areas of Crown Land for the exclusive use of
the Company.)

36 All offences against 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 shall be recovered in a sum-
mary way in the mode prescribed by *The Magistrates Summary*
15 *Procedure Act*, and all penalties declared to be payable to the Com-
pany shall be paid to the Company.

Recovery of
penalties.

37 This Act and the said Act shall be read and constructed to-
gether as one Act.

Acts to be read
together.

SCHEDULE.

(1.)

FORM OF LEASE.

THIS DEED OF LEASE made the day of
One thousand nine hundred and by the authority of His Excellency the
Governor in Council, between the Minister of Mines of the one part, and the
North Mount Lyell Copper Company, Limited (hereinafter called "the Com-
pany") of the other part: WITNESSETH, that, in consideration of the rents, reser-
vations, covenants, provisos, and agreements hereinafter contained, and on the part
of the Company to be paid, observed, and performed, the Minister of Mines doth,
by these presents, demise and lease unto the Company, its successors and assigns,
all that piece or parcel of land particularly described in the Schedule (1.) hereto,
and as the same is delineated on the map or plan hereon endorsed, and surrounded
by a red boundary line, as shown in Schedule (2.) hereto, together with full and
free liberty for the Company, its successors and assigns, and its and their agents,
servants, and workmen, in and upon the land hereby demised, to dig, sink, drive,
make, and use, all such pits, shafts, levels, and watercourses, and do all such
other things, including the erection of all such machinery, buildings, and other
works, and to appropriate and use such water flowing in a natural channel
through or along the boundary of the said land hereby demised, or naturally
deposited within the area of the land hereby demised, as may be proper and
requisite for mining, working, and obtaining the gold, silver, copper, and all
other minerals and ores therein contained, and for effectually washing and
separating the said gold, minerals, and ores, from all soil and other substances
mixed with them, and for smelting and reducing any such ores or minerals into
metal, and for manufacturing, engineering, railway, explosive, and other works:
Excepting, and always reserving unto the Minister of Mines, or to any person
duly authorised by law in that behalf, or any person by him in that behalf
appointed by writing under his hand, full and free liberty, at all proper and
reasonable times during continuance of this demise, with or without assistants, to
enter into and upon the land hereby demised, and all mines, works, and
buildings thereon, in order to view and examine the condition thereof; and, for
[Private]

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that purpose, to make use of any of the roads, ways, machinery, and works belonging to the said land, mines, and premises: Also full and free liberty, during the continuance of this demise, to use or make and use any drifts, levels, shafts, watercourses, adits, or passages, being in or upon any part of the premises hereby demised, or the surface thereof, for the purpose of freeing any other land or mines whatsoever from water, or for conducting water for the use of any such lastmentioned land, or mines, or the machinery or works connected therewith, or for supplying the same with fresh air: Also full and free liberty, at all times during the continuance of this demise, to make any levels, drifts, shafts, adits, watercourses, railroads, and other roads or ways, in, through, or upon any part of the premises hereby demised, or the surface thereof, for effectually working any other adjoining or neighbouring mines, or for any purpose whatsoever, causing thereby, nevertheless, as little as possible obstruction or injury to any of the levels, drifts, shafts, adits, watercourses, roads or ways and works belonging to the said land, mines, and premises hereby demised, and in actual use: And except and always reserving unto His Majesty all such parts and so much of the land hereby demised as may be required for making public ways, in, over, and through the same, to be set out by the Governor, or some person by him authorised in that respect: And also all stone, gravel, indigenous timber and other materials, the natural produce of the said land, which may be required at any time or times hereafter for the construction or repair of any public ways, bridges, fences, embankments, dams, sewers, or drains necessary for the same, together with the right of taking and removing all such materials, and of full and free ingress, egress, and regress into, out of, and upon the said land, for the several purposes, all and singular, other the premises hereinbefore mentioned or referred to, and hereby assigned, to have and to hold the said land, mines, gold, minerals, and ores hereby demised, with their appurtenances (except as aforesaid) unto the Company, its successors or assigns, from the day of the date hereof, for and during the full term of Forty years next ensuing, and fully to be complete and ended, to the intent and that the same shall be used for such mining and smelting operations as aforesaid, yielding and paying therefor yearly, and every year during the term hereby demised, the yearly rental of Five Shillings for every acre or part thereof, by equal yearly payments, to be made in advance, on the first day of July in each and every year of the said term; and all such payments to be free and clear of and from all rates, taxes, and assessments now or which may hereafter be imposed upon and in respect of the land and premises hereby demised, and from all other charges and deductions whatsoever, subject, nevertheless, to the restrictions, conditions, covenants, and provisos herein and hereby made, expressed, and referred to: And the Company hereby covenants with and to the Minister of Mines, in manner following; that is to say, that the Company shall and will pay the rent hereby reserved, upon the days and times hereinbefore appointed for the payment thereof, free and clear, as aforesaid, according to the true intent and meaning of these presents: And also shall and will, at all times during the continuance of this demise, prepare and keep proper plans and sections of all the workings, and of the actual condition of the mines and premises hereby demised, such plans to be upon such scale and in accordance with such directions as the Minister of Mines, or other officer authorised and appointed by him in that behalf, shall from time to time direct; and shall deliver annually, during the said term, a true copy of such plans or sections to the Minister of Mines, or other officer, for the use of the Government of this State: And also shall and will supply annually during the said term, to the proper officer who may be authorised or appointed by the Governor in that behalf, such returns, particulars, or statistics of the operations to be carried on upon the said land, and the results thereof, as he may from time to time in that behalf require, accompanied with a statutory declaration of the truth and correctness thereof: And also that the Company, its agents, workmen, and servants shall and will, during the continuance of this demise, work and carry on mining operations on the said land, mines, and premises in a fair, orderly, skilful, and workmanlike manner: And shall and will employ in the construction of the works or in any of the contemplated operations on or under the said land during the said term and during the usual hours of labour, such number of able and competent workmen and miners as shall represent a proportion of Three men for every Eighty acres of land hereby demised, unless prevented by inevitable accident and obstruction or during the execution of repairs: And also that it shall be lawful for any officer appointed by the Governor in that behalf, at all proper and reasonable times during the continuance of this demise, and whether the said mining and smelting operations shall be in progress or not, without interruption.

or disturbance from the Company or its agents, workmen, or servants, to enter into and upon the said mines works, and premises hereby demised, or any part thereof, to view and examine the state and condition thereof, and whether the said mines be worked in a proper, skilful, and workmanlike manner, and for such purposes to make use of the roads, ways, machinery, or works belonging to the said mines and premises: And also that the Company or its miners, workmen, or servants shall not carry on mining operations on the said lands, mines, and premises hereby demised out of or beyond the limits and boundaries mentioned in the first Schedule hereto: And shall and will pump out the water from its mines on the said land at all reasonable times or contribute or pay ratably with adjoining occupiers or lessees of Crown land for the time being, a fair proportion of water charges for keeping its works free from water, or shall and will pay to meet the loss or expense incurred by the Government or by such lessees aforesaid, or the adjacent or neighbouring miners, if any, such proportionate rate to be determined or assessed by the Commissioner of the District or other officer authorised by the Minister of Mines on his own view or upon such evidence as may appear to him sufficient, and to be recoverable by distress of the goods, chattels, gold, or ore of the Company being upon the said land, to be levied upon warrant under the hand of the Commissioner of the District or other officer as aforesaid: And also shall and will make adequate provision for the disposal of the detritus, dirt, waste, workings, or refuse, that the same shall not be an inconvenience, nuisance, or obstruction to any roads, ways, rivers, creeks, or private or Crown lands, or in any manner occasion any private or public damage or inconvenience: And also shall and will make such provision for decency and the observance of sanitary regulations as the Commissioner of the District shall approve and direct: And also shall and will erect and keep erected during the said term a post, not less than Four feet Six inches above the ground and Eight inches in diameter, at each and every angle of the land hereby demised, and at each such post, trenches, not less than Three feet in length and Nine inches in depth, indicating the direction of the boundary lines: And also shall and will build and keep in good repair a sufficient and substantial wall or fence around all the shafts which may at any time during the said term be open in any part of the said demised premises, or elsewhere for the purposes of this demise, so as to lessen the liability to accident, and, further, effectually to prevent all access thereto by cattle: And shall and will fill up with earth or waste heaps, or effectually and substantially shut up and enclose, all shafts which shall be closed or allowed to go out of repair, with the consent in writing of the Commissioner of the District or other officer duly authorised by the Minister of Mines in that behalf: And also shall and will at all times during the continuance of the said demise keep and preserve the said mines and premises from all unnecessary injury and damage, and also the levels, drifts, shafts, watercourses, erections, or other conveniences, roads, and ways constructed for mining purposes in good order, repair, and condition, except such of the said works as shall from time to time be certified by the Commissioner of the District or other proper officer to be unnecessary for the further working of the said mine, or for any purpose connected with the working of any other mines; And in such state and condition shall and will, at the end or other sooner determination of the said term, deliver peaceable possession thereof, and of all and singular the premises hereby demised, to the Minister of Mines, or to the Commissioner of the District or other Officer authorised to receive possession thereof, and further shall and will likewise observe, perform, fulfil, and keep the further conditions, covenants, and provisos hereinafter mentioned, and also shall not cut or use any timber growing upon the said land except for the Mining, Railway, Smelting, and other operations of the Company, or for the domestic purposes of those engaged or employed by the Company.

Provided also, that this lease may be declared void and forfeited by the Governor in Council in manner provided by law if default shall be made by the Company or their successors in all or any of the following conditions, that is to say—if the rent be not paid yearly in advance to the Treasurer as aforesaid, and if the conditions with respect to the employment of labour, as aforesaid, be not complied with for the space of Six months without the permission in writing of a Commissioner of Mines, or if the Company shall permit any portion of the land demised to be occupied other than for the purposes authorised by this lease, or either without the permission in writing of the Minister except for allowing any and every miner or employee employed by the Company to occupy at a peppercorn rent a portion of such land for the purpose of residence, garden, yard, and other conveniences, not exceeding in any case one acre, and

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also for depasturing cattle used in connection with the working or mining of such land:

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first abovewritten.

Signed, Sealed, and Delivered by the
Minister in the presence of

SCHEDULE (1.), HEREINBEFORE REFERRED TO.

[*Here set forth description of land.*]

SCHEDULE (2.), HEREINBEFORE REFERRED TO.

[*Plan of land bounded by red lines*]

(2.)

All that piece of land situate in the County of Franklin, in Tasmania, containing eight hundred acres and bounded as follows:—Commencing at a point 18 chains to the east from the north-east corner of Section No. 2587-93M, and bounded on the north by the King River, 28 chains 28 links east along Crown land; again on the east by 28 chains 28 links south along Crown land; again on the north 17 chains 60 links east to a point along Crown land; again on the east by 32 chains 28 links south along Crown land; again on the north by 28 chains 28 links east along Crown land (crossing Baxter River) and a point on the North Mount Lyell Railway, about 8 miles 5 chains from the terminus of the North Mount Lyell Copper Company's Railway terminus at Linda Valley; again on the east by 28 chains 28 links south along Crown land; again on the south (crossing the North Lyell Railway and Baxter River) for 28 chains 28 links west along Crown land; again on the east by 52 chains 56 links south (crossing Fish Creek) along Crown land; again on the south by 56 chains 56 links west (crossing Fish Creek) and on to the foot of Mount Jukes, along Crown land; again on the west for 113 chains 12 links north (keeping on the side of Mount Jukes, and along Crown land); again on the north by 10 chains 68 links east along Crown land; again on the west by 28 chains 28 links north along Crown land to the point of commencement.

(3.)

All that piece of land containing nineteen acres three roods and three perches of land situate in the Town of Pillinger, County of Franklin, and bounded as follows:—Commencing at a point situated forty links southerly from the south-east corner of Lot 1, Section H 1, Town of Pillinger, Harold Wilson, owner; thence on the west by fourteen chains nineteen-and-a-half links northerly along the North Mount Lyell Company's Railway Reserve, the said Lot 1, and along Crown land, crossing a reserved road; on the north by eleven chains and five links easterly along Crown land; on the east by ten chains seventy-two-and-a-half links southerly along Crown land; again on the north by four chains eighty-nine links easterly along Crown land; again on the east by four chains ninety-three links southerly along Crown land, and (crossing the North Mount Lyell Copper Company's Railway) on the south by nine chains thirty-two links westerly along Crown land; again on the east by one chain fifty-five links southerly along Crown land; again on the south by three chains forty links westerly along Crown land; again on the west by three chains northerly; and (crossing the North Mount Lyell Copper Company's Railway) thence again on the south by three chains twenty-one links westerly along Crown land to the point of commencement.