

(No. 9.)



1877.

SESSION III.

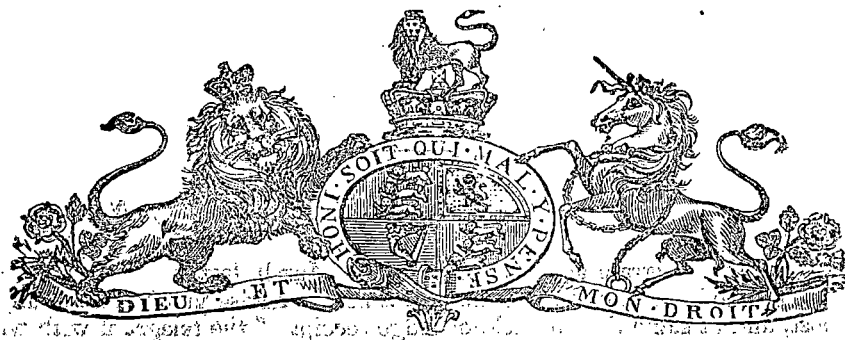
T A S M A N I A.

H O U S E O F A S S E M B L Y.

M A I N L I N E R A I L W A Y.

C O R R E S P O N D E N C E.

Laid upon the Table by the Colonial Secretary, and ordered by the House to be printed, July 13, 1877.



MAIN LINE RAILWAY CORRESPONDENCE.

(In continuation of Paper No. 24 of the last Session.)

Hobart Town, 19th May, 1877.

SIR,

WE have the honor to acknowledge the receipt of your letter of the 15th instant, requesting us to forward to the Crown Solicitor a copy of the case submitted to Mr. Fooks, and intimating that you assent to the general principles of law laid down in the Opinions of the Company's counsel; and also informing us that the Government are prepared to instruct their Engineer to proceed at once with the inspection of the Line under section 5 of the Amended Act.

The case submitted to Mr. Fooks was comprised in a very lengthy document, which we shall be happy to show to the Crown Solicitor; but his opinion is evidently based solely upon the construction of the Contract taken in connection with the Reports of the inspecting Engineers.

We very much regret that you continue to ignore the Company's claim for the arrears of interest due up to the 31st March last, and that the Government still persist in violating those principles the correctness of which you now acknowledge.

Mr. Grant has again and again pointed out that the illegal action of the Government in obtaining and publishing broadcast the hostile reports of *ex parte* and interested witnesses, and the erroneous statements made by successive Colonial Treasurers, have completely ruined the credit of the Company; and to this treatment is now added the refusal of the Government to pay the guaranteed interest after having received and accepted in the fullest manner the benefits and advantages of the Railway. As the Company are thus deprived of the money they have so justly earned, Mr. Grant will be left without the means of keeping the Line in an efficient state of repair and in a safe condition; it must therefore be apparent to you that the Government must be held solely responsible, both legally and morally, for the unnecessary danger and great inconvenience their conduct is likely to inflict upon the public.

We take this opportunity of again informing you that the Company hold the Colony liable for every loss and all damage and injury they have or may sustain by reason of the illegal course pursued by the Government.

The Company have never wished to conceal the manner in which they have constructed the Railway, and have allowed the Line to be inspected on three different occasions, thus giving to the Colony the most ample means of pointing out their objections to the works, if they have any to make; but we cannot possibly advise Mr. Grant to allow your Engineer to make any further inspection of the Line, either under the 5th section of the Amendment Act or otherwise, until all the arrears of interest now due are paid; and we are surprised that the Government should think of acting so contrary to the principles of equity and justice as to attempt to enforce against our client those provisions of the Contract which they may be able to turn to their own advantage, and at the same time repudiate the obligations which the Contract imposes upon them.

We have, &c.

(Signed) DOBSON & MITCHELL.

The Honorable the Colonial Secretary.

(Telegram.)

*Hobarton Station.**To W. CLARK, Esq., C.E., Sydney.*

THANKS for letter of 21st instant. Will reply by post.

(Signed) THOS. REIBEY.

159, Macquarie-street, Sydney, N.S.W., 7th May, 1877.

DEAR SIR,

I DULY received your telegram as above on the 27th March last, but as yet the letter therein referred to has not reached me, and I have thought it best to advise you in case of any possible miscarriage in the post, and at same time to acknowledge receipt of the telegram with which you were good enough to favour me.

I have been detained here very much longer than I expected when I addressed you my letter of the 21st March, the duties required of me being much heavier than I had calculated upon, and involving my making a much more lengthy report than under ordinary circumstances would have been sufficient. It has so wholly engrossed my time and attention that I have omitted to recur to the subject of your telegram until now.

I find, also, I have not officially acknowledged your No. 1067, dated 19th March, but my letter written previously to that date so fully answered your enquiries that I awaited a reply to this before continuing further official correspondence.

Upon recurring to my letter to you of the 21st March, I find I ought to have added, that except as therein stated I am unacquainted with any one interested in the Tasmanian Railway. The entire communication to me on the subject is therein given, and since then I have had no communication whatever thereupon except with yourself.

I trust it met with your approval my communicating so freely my previous intercourse with Mr. Dent, but I felt, under the circumstances, I could not do otherwise.

I expect to be in N. S. Wales at least a month longer from this date, during which time any letter with which you may favour me will find me if addressed as above.

I have, &c.,

(Signed)

W. CLARK.

*The Hon. THOS. REIBEY, Colonial Secretary.**159, Macquarie-street, Sydney, N.S.W., 18th May, 1877.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter, No. 1067, dated Hobart Town, 2nd May, 1877, enclosing copy (printed) of correspondence on the Tasmanian Main Line Railway.

Your letter now under reply advises me that under circumstances which you are good enough to detail therein the Government of Tasmania are compelled reluctantly to abandon the proposal to make use of my professional services.

It would appear to me from the correspondence before me that two questions are involved, one purely legal the other of an engineering character, and that the main point at issue is, which of these two questions should take precedence. On the one hand the Government are unable to realise the full benefit of the work by reason of defective construction; on the other it is alleged that the interest has been fairly earned by what has been done.

If these views are correct from the documents before me (the Report of the Inspecting Engineers and Mr. Grant's reply thereto), in addition to those accompanying your letter now under reply, I think there ought to be no great difficulty in coming to an understanding upon the main points (for reference) of law or facts, and to frame in conjunction with the Company a question for submission to a legal authority (to be mutually agreed upon) whether the payment of interest is or is not, under the circumstances, a first consideration.

I have, &c.,

(Signed)

W. CLARK.

Hon. THOS. REIBEY, Colonial Secretary, Hobart Town.

Colonial Secretary's Office, 16th May, 1877.

MY DEAR MR. KENNERLEY,

WOULD you kindly, as head of the Government which sought and obtained the professional services of Messrs. Mais, Mason, and Stanley in connection with the differences existing between the Government and the Main Line Railway Company, be good enough to inform me whether these gentlemen acted solely as Inspecting Engineers, reporting upon the result of their inspection, or whether they advised the Government with regard to the alterations and improvements necessary to make the line, works, and rolling stock such as to satisfy the conditions of the contract?

If these gentlemen did so advise the Government, would you as far as lies in your power oblige me by stating the nature of such advice; and whether they named any amount, or approximate amount, as requisite in their opinion to complete the line and works in the manner contemplated by the wording of the contract.

I have, &c.
(Signed) THOS. REIBEY.

The Hon. ALFRED KENNERLEY, M.L.C.

Upper Davey-street, Hobarton, 18th May, 1877.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 16th instant, and cannot help expressing my surprise at its contents, especially considering the time and circumstances under which it must have been written.

You cannot have forgotten that immediately after your accession to office my friend Mr. Giblin, who had been the Attorney-General of my Administration, and who had a thorough knowledge of the "Main Line Railway" matter, waited upon you and proffered freely to give you every information you might require as to the differences existing between the Company and the Colony, —the late Government never having treated the railway matter as a political question.

I have to-day seen Mr. Giblin, and he informs me that you have never at any time availed yourself of his offer; and now after an interval of ten months, during which your Government have repeatedly acted as in my opinion seriously to jeopardise those contract rights of the Colony which it was my constant aim to preserve, I must decline to assist you in the unthankful task of playing into the hands of the astute agent of the "Main Line Railway Company."

I have, &c.
(Signed) ALFRED KENNERLEY.

The Hon Colonial Secretary.

Colonial Secretary's Office, 21st May, 1877.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 18th instant, and in so doing would desire to express my regret that you should, in answer to my request, decline to afford the Government such information in your possession as might tend to the conservation of the interests of the Colony in dealing with the questions at issue between the Government and the Main Line Railway Company.

I have, &c.
(Signed) THOS. REIBEY.

The Hon. ALFRED KENNERLEY, M.L.C.

CORRESPONDENCE WITH THE HON. COLONIAL TREASURER.

(In continuation of Paper No. 29, H.A., 1877, Session 2.)

CONVEYANCE OF MAILS.

*Tasmanian Main Line Railway Company, Limited,
General Manager's Office, Hobart Town, 23rd May, 1877.*

SIR,

HAVING now gained some experience of the carriage of the mails by train, and of the amount of attention they require, I begin to fear that the ordinary train guards would not be able to satisfactorily discharge the mail duties in addition to their proper train duties.

At first our guards felt confident that they could readily do all that is required; but the number of bags has recently so greatly increased, rendering the work of sorting them so much greater, that it is now somewhat doubtful whether they could be altogether relied upon; and I should extremely regret to give you cause for complaint with our arrangements.

Having also in view that you will probably require at times to sort letters in the trains, and the gain to public convenience if properly authorised officials of your Department should be able to receive late letters from the public at all our stations (thus involving continual sorting and opening of bags), I beg to suggest that our present agreement should be altered, and that your own officers should accompany the mail trains.

Under the general Contract between the Government and Company the latter are entitled to be paid second class fares for the conveyance of mail guards on the trains, which charge would therefore amount to £592 16s. per annum. This I should be happy to surrender in consideration of the responsibility the Company would be released from; and would, further, be willing to pay the expenses in Launceston of these guards, which I understand would amount to £62 8s. per annum, if you would appoint and remunerate them.

It is needless for me to remark how far more satisfactory in every respect it would be that the important through mails should be always under the charge of officers responsible *directly* to you; nor need I mention the many extra facilities this will render to the postal service in many important respects, which I trust will be considered to warrant the additional outlay in retaining your own men.

I have, &c.

(Signed) C. H. GRANT.

A. C. DOUGLAS, *Esq.*, *Secretary General Post Office.**Tasmania,
General Post Office, Hobart Town, 21st May, 1877.*

SIR,

I HAVE the honor to submit herewith a letter from the general manager of the Tasmanian Main Line Railway Company (Limited), in which Mr. Grant suggests that the agreement made with him for the conveyance of mails between Hobart Town and Launceston may be altered by this department providing its own mail guards, instead of the Railway guards performing the duties of mail guards in addition to their own; and, if the suggestion be complied with, Mr. Grant offers to forego the payment by this office of the mail guards' fares (second class) to which the Company is entitled under the Main Line Railway Contract, and which would amount to Five hundred and ninety-two pounds and sixteen shillings per annum, and he would besides pay the expenses to which the mail guards (two) would be subject, viz., Thirty-one pounds four shillings each per annum.

The receipt of Mr. Grant's letter has not caused me much surprise, because I have taken some pains since the transmission of the mails by train to ascertain the practicability of wholly dispensing with the post office mail guards, and the result of my observation and inquiry is against doing so. You are aware that a Post Office guard has been sent with the train up to the present time, and the necessity for such an officer is shown by the inability of the train guards to undertake the combined duties up to this date.

The usual train guard is much occupied in attending to the brakes, and in performing the "shunting" duties, in the carrying out of which latter duties he is necessarily obliged to leave the mail van and proceed for a distance away from it for some minutes. These duties are, I am convinced from experience, incompatible with the special and most important duty of mail guard; and I am prepared to recommend that the mails per Main Line Railway shall be continued to be sent in charge of mail guards responsible to this department, as I feel assured from personal observation that the duties of mail guard and train guard cannot with any degree of satisfaction be correctly performed by one person. The mails by the train are far more numerous than when sent by the late mail coach, and their receiving, carting, and delivering requires attention that cannot be given them unless the duties are detached from those of the train guard; and there is no doubt but the safety and regular conveyance of the mails require them to be under the care of two officers unconnected with other duties, and such arrangement would be attended with great advantage if the officers were responsible only to this department.

As to the payment of the salaries of the mail guards (One hundred pounds seven shillings and sixpence each per annum), it appears to me desirable that as they would be wholly responsible to this department, and be appointed by the Government, that this department be charged with their expense; and, in recommending this course, I have taken into consideration the offer of surrender by Mr. Grant of the 2nd class fares, which, as I have said before, he can claim under the Main Line Railway Contract, and his offer to pay the mail guards' expenses,—the total sum thus given up being Six hundred and fifty-five pounds and four shillings per annum.

I have, &c.

(Signed) A. C. DOUGLAS, *Secretary.*

The Hon. the Colonial Treasurer.

THE conditions submitted to the Manager of the Main Line Company in the Secretary's letter of the 6th April, 1877, and finally agreed to by Mr. Grant on the 16th, provide that the Company's train guards shall act as mail guards, and that the Company shall be wholly responsible for all mails delivered to their officers until handed over to such persons as may be duly authorised by the Postmaster-General to take delivery of them. On the 23rd of May Mr. Grant reports that he finds the ordinary train guards will not be able to satisfactorily discharge the mail duties in addition to their proper train duties. This being the case, and the Secretary of the Post Office being of opinion that the public interests would be more efficiently served by the Government taking charge of the mails, and appointing their own guards at an additional cost of Two hundred pounds fifteen shillings per annum to the Post Office, the Governor approves of the extra expenditure being incurred and of the Company being relieved of the duty. The reference made by Mr. Grant in his letter of the 23rd May, 1877, to the provisions of the general Contract, in respect to the conveyance of mail guards, does not affect the question at the present stage, as the arrangement now made for the carriage of the mails is a *special one*, pending the official recognition of the line by the Government, and one which contemplated the service being performed by the Company and not by the Government. This Minute is forwarded to the Secretary with a request that he will notify the same to Mr. Grant, and furnish him with a copy.

CHARLES MEREDITH, *Colonial Treasurer.*

30th May, 1877.

General Post Office, 6th July, 1877.

SIR,

WITH reference to your letter of the 23rd May last, in which you expressed a doubt of your guards being able to perform the duties of mail guards in addition to their own, I have to enclose herein copy of a Minute that has reached me to-day from the Colonial Treasury, by which you will perceive the appointment of Post Office mail guards, in connection with the Hobart Town and Launceston mail trains, is approved.

I have, &c.

(Signed) A. C. DOUGLAS, *Secretary.*

C. H. GRANT, *Esq., General Manager, Main Line Railway.*

*Tasmanian Main Line Railway Company, Limited, General Manager's Office,
Hobart Town, 16th July 1877.*

SIR,

I HAVE the honor to acknowledge the due receipt of your letter of the 6th inst., covering a copy of the Hon. the Colonial Treasurer's Minute to yourself of the 30th May, 1877, in which the retention of the Post Office mail guards as officers of your Department is officially approved.

On behalf of the Company I beg to express their thanks at being relieved of a duty which I felt could not be satisfactorily performed.

As regards the last paragraph in the Minute, I must protest that it does not represent the views of the Company; although I do not perceive that the question arises at the present time.

I have, &c.

(Signed) C. H. GRANT.

A. C. DOUGLAS, *Esq.*, *General Post Office.*

SUBMITTED to the Hon. the Colonial Treasurer.

A. C. DOUGLAS, *Secretary, General Post Office,*
17th June, 1877.

C. M., 17. 7. 77.

ACCIDENT TO MAIL TRAIN, CAMPBELL TOWN.

General Post Office, Hobart Town, 10th May, 1877.

SIR,

WITH reference to the accident to the up mail train last night, which I reported to you this morning, I consider it my duty to bring under your notice that the engine attached to the train in question was without the usual guard (cow-catcher I believe is the technical term for it) to prevent stray animals causing accident to the train, and that no gates are erected at the Quorn Hall Road (which was the scene of the accident) to prevent animals getting upon the railway line.

I have, &c.

(Signed) A. C. DOUGLAS, *Secretary.*

The Hon. CHARLES MEREDITH, Postmaster-General.

Colonial Treasury, 11th May, 1877.

SIR,

I HAVE the honor to draw your attention to a report made by the Secretary to the Post Office (copy enclosed) respecting the accident which occurred to the up mail train during early morning of the 9th instant. As it appears, from the statement of the guard and the accounts furnished to the Press, that the stoppage to the progress of the mails arose from causes within the power of the Company to provide against, I trust that you will take such precautions as you may think fit to ensure a safe passage for the mails in future.

I feel sure that I need only draw your attention to the matter in order to prevent as far as possible a second accident under similar circumstances.

I have, &c.

(Signed) CHARLES MEREDITH.

C. H. GRANT, *Esq.*, *Agent T.M.L.R., Liverpool-street.*

Tasmanian Main Line Railway Company, Limited, General Manager's Office,
Hobart Town, 14th May, 1877.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 11th instant, enclosing a report made by the Secretary to the Post Office respecting the accident which occurred to the up mail train on the 9th instant, and trust it is unnecessary I should assure you that the safe transit of passengers and mails has at all times my most earnest attention.

This unfortunate accident was due to an error of judgment in the gatekeeper too soon removing the temporary substitute for gates before the passing of the train, and thus allowing the irruption of cattle on the line at a critical period. I would add that the large number of cattle left roaming each night in the streets of Campbell Town is a very fruitful source of danger, and has already caused us several accidents. It is the only township in which this serious and apparently unnecessary obstacle to the safety of the line has to be encountered.

I have, &c.

(Signed) C. H. GRANT.

The Hon. CHARLES MEREDITH, M.H.A., Colonial Treasurer and Postmaster-General.

Colonial Treasury, 15th May, 1877.

MEMO.

It has been represented to this Department by the Manager of the Main Line Railway, in correspondence on the subject of the late accident to the up train on the 9th instant, "that the large number of cattle left roaming each night in the streets of Campbell Town is a very fruitful source of danger, and has already caused us several accidents. It is the only township in which this serious and apparently unnecessary obstacle to the safety of the line has to be encountered." Will the Hon. the Colonial Secretary be good enough to draw the attention of the Warden of Campbell Town to the matter, and express a hope that he may be able, in some way, to lessen the danger to which the Manager states the trains are exposed.

CHARLES MEREDITH, *Colonial Treasurer.*

The Hon. the Colonial Secretary.

ADVANCES.

STATEMENT of Amounts advanced to Tasmanian Main Line Railway Company, Limited.

<i>Date of Advance.</i>	<i>Amount.</i>	<i>Total.</i>
	£ s. d.	£ s. d.
5 June, 1876.....	3000 0 0	3000 0 0
28 November, 1876.....	2500 0 0	
13 December, 1876.....	2500 0 0	
19 January, 1877.....	1500 0 0	
21 February, 1877.....	1500 0 0	
21 March, 1877.....	1500 0 0	
19 June, 1877.....	3500 0 0	
10 July, 1877.....	1900 0 0	
		14,900 0 0
		£17,900 0 0

WM. H. WINDSOR, *Assistant Treasurer.*

Colonial Treasury, 18th July, 1877.

TELEGRAPH.

30th October, 1876.

I HAVE the honor to report to the Hon. the Treasurer that from conversation which I have had with Mr. Grant I believe he would arrange for the Main Line Railway Telegraph to be brought into our offices at Hobart Town and Launceston on the following conditions:—

1. The Company to supply instruments for working at Hobart and Launceston.
2. Each to carry messages for the other at half rates, so that the public on either system are only made to pay ordinary single rates.
3. All Service messages for either party throughout the Colony to be free.
4. The Railway to carry all our stores, &c. free.
5. Railway operators to work by our Regulations.

The above arrangement would be of immense service to us, placing several additional stations at our disposal, and saving great delays in exchanging messages between the two systems. I would therefore strongly recommend the same for approval of the Governor in Council.

F. A. PACKER, *Superintendent of Telegraphs.*

Colonial Treasury, Hobart Town, 22nd December, 1876.

MEMO.

THE Colonial Treasurer has the honor to forward herewith copy of an Agreement which it is proposed by the Superintendent of Telegraphs and the Agents of Tasmanian Main Line Railway to enter into for the joint use of the Government and the Company's lines of Telegraph.

The Colonial Treasurer is satisfied that such an arrangement as that contemplated would be of great benefit to the public; but before bringing the question under the notice of the Cabinet, the Colonial Treasurer would like to have the opinion of the Hon. the Attorney-General as to whether he sees any objection to such an agreement being entered into between the Government and the Main Line Railway Company, bearing in mind the present relations between the Government and the Company.

Will the Hon. the Attorney-General advise the Colonial Treasurer as soon as convenient?

CHARLES MEREDITH, *Colonial Treasurer.*

The Hon. the Attorney-General.

I SEE no objection to the proposed arrangement. But pending the dispute between the Government and the Railway Company as to the non-fulfilment of the Contract I would suggest that the arrangement be limited to as short a period as possible.

C. HAMILTON BROMBY.

December 23rd, 1876.

MY DEAR SIR,

IF you approve of this please sign it, and I will then submit it to the Government recommending its adoption.

Very truly yours,
F. A. PACKER.

C. H. GRANT, *Esq.*

MEMORANDUM showing the Terms proposed by the Superintendent of Telegraphs and the Manager of the Main Line Railway for working the Line of Telegraph belonging to the Main Line Railway Company in connection with the Government Lines of Telegraph in Tasmania.

First. That the Main Line Railway Company undertake to adopt the Government Rules and Regulations made from time to time by the Governor in Council, under *The Telegraph Act*, for the transmission of Messages and the management of the Company's several Telegraph Offices on the said Line of Railway.

Second. That the same charges be made by the Main Line Railway Company for the transmission of Messages as are now made by the Government; viz.—One Shilling for a Message of Ten words, and One Penny for every additional word, from any Telegraph Station on the Main Line Railway to any Telegraph Station in Tasmania, and *vice versa*.

Third. That the Government and the Main Line Railway Company shall equally divide all fees received on account of business passing from the Government Lines over the Company's Line, or business passing from the Company's Line over the Government Lines.

Fourth. That, with regard to fees payable for the transmission of business over Lines not under the control of the Government of Tasmania, the Main Line Railway Company shall undertake to collect the additional charge, and pay the same over to the Government of Tasmania immediately after the adjustment of accounts in connection with this service; and in like manner the Government will undertake to pay over to the Company any fees due in respect to business from such independent lines which may pass over the Company's Line of Telegraph.

Fifth. That all Government Telegraph Service Messages, and Main Line Railway Company's Service Messages, shall pass over both systems free of charge.

Sixth. That, this arrangement being one for mutual convenience, the Government and the Main Line Railway Company will afford every facility for the speedy delivery of Messages.

Seventh. That all accounts in respect to Telegraph Service be adjusted at the close of each quarter, viz., 31st March, 30th June, 30th September, and the 31st December in each year.

Eighth. That the Company undertake to convey all stores required by the Government for Telegraph purposes free of charge.

Ninth. That the Government undertake to extend their Line of Telegraph to the Main Line Railway Telegraph Stations at Hobart and Launceston, with a view to the above arrangement taking effect as early as possible.

Tenth. That the Government supply the necessary instruments at the Telegraph Offices at Hobart Town and Launceston for working over the Company's Line.

Eleventh. That this arrangement remain in force one month.

Telegraph Department, 31st October, 1876.

F. A. PACKER,
Superintendent of Telegraphs, Tasmania.

Approved,

C. H. GRANT,
Manager Main Line Railway, Tasmania.

14th November, 1876.

FORWARDED to the Hon. the Colonial Treasurer:

F. A. PACKER, *Superintendent Telegraphs.*

REGARDING the Memo. of the Honorable the Attorney-General as to "short period," I wish to reserve the power to the Government to give and take one month's notice.

C. MEREDITH.
29. 12. 76.

F. A. PACKER, *Esq., Superintendent, &c.*

MY DEAR SIR,

PLEASE signify your acquiescence to the Honorable the Colonial Treasurer's proposal that the arrangement shall terminate on one month's notice being given on either side.

F. A. PACKER, *Superintendent Telegraphs.*

C. H. GRANT, *Esq.*

5th January, 1877.

MY DEAR SIR,

I ENTIRELY concur with the suggestion of the Hon. the Colonial Treasurer, that this agreement shall be terminable at one month's notice on either side. Will you please have the matter put in shape.

C. H. GRANT, *Gen. Mr. M. L. R. Co.*

F. A. PACKER, *Esq.*