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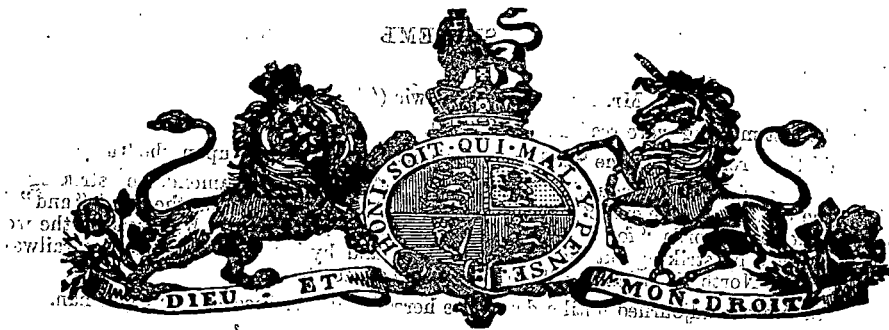
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SANDFLY COAL MINING COMPANY'S BILL :

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

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Brought up by Mr. Lewis, and ordered by the House of Assembly to be printed,  
October 27, 1891.



**SELECT COMMITTEE** appointed, on the 10th September, 1891, to inquire into  
the SANDFLY COMPANY'S (PRIVATE) BILL.

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MEMBERS OF THE COMMITTEE.

DR. CROWTHER.  
MR. CRISP.  
MR. DUMARESQU.  
MR. LEWIS.

MR. GILL.  
MR. S. J. SUTTON.  
MR. MULCAHY.

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DAYS OF MEETING.

Tuesday, 15th September; Wednesday, 16th September; Wednesday, 21st October.

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WITNESSES EXAMINED.

Messrs. Audley Coote, Albert Reid, A. W. Lawder, A. P. Miller, G. Roberts, J. R. Worsley, E. Mace,  
Robert Slide.

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MINUTES OF PROCEEDINGS.

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TUESDAY, SEPTEMBER 15, 1891.

The Committee met at 10.30 A.M.

*Present.*—Dr. Crowther, Mr. S. J. Sutton, Mr. Gill, Mr. Crisp, Mr. Mulcahy, Mr. Lewis.

Mr. N. E. Lewis was unanimously voted to the Chair.

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

Resolved, That the Petitioners be heard by Counsel.

Counsel was introduced, and addressed the Committee in support of the Preamble of the Bill.

The Hon. Audley Coote, M.L.C., attended, and gave evidence before the Committee.

The Hon. Audley Coote withdrew.

Mr. Albert Reid, Deputy Commissioner of Crown Lands, was called in and examined.

Mr. Reid laid a plan showing the Crown land in the vicinity of the proposed tram on the Table.

Mr. Reid withdrew.

Mr. Arthur William Lawder was admitted and examined.

Mr. Lawder withdrew.

Mr. A. P. Miller was called in and examined.

Mr. Miller withdrew.

Mr. George Roberts, landholder at the Sandfly, was called in and examined.

Mr. Roberts withdrew.

Mr. Edward Mace, Manager of the Sandfly Coal Mining Company, was called in and examined.

Mr. Mace withdrew.

Mr. Wady was called in and examined.

Mr. Wady withdrew.

Counsel again addressed the Committee, and withdrew.

The Committee deliberated.

The Committee adjourned at 12 until 2 P.M. on Wednesday, the 16th September.

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WEDNESDAY, SEPTEMBER 16, 1891.

The Committee met at 2 P.M.

Present—Mr. Dumaresq, Mr. Gill, Mr. Mulcahy, Mr. Lewis (Chairman).

The Minutes of the last meeting were read and confirmed.

The Chairman laid the Prospectus of the Sandfly Bituminous Coal Company upon the Table.

The Committee then considered the preamble of the Bill, which, having been amended by striking out the words after "whereas" in the first line to the end of "Tasmania" in line 3; by striking out the word "and" in line 4; in line 1, page 1, by inserting the words "for the benefit of the Colony;" in line 2 by inserting the word "work" after "construct;" in line 3 by striking out the word "works," and by inserting the words "railways, and also harbour and other works at North West Bay, in Tasmania," was agreed to.

At 3:30 P.M. the Committee adjourned until a date to be hereafter determined by the Chairman.

WEDNESDAY, OCTOBER 21, 1891.

The Committee met at 2:30 P.M.

Present—Mr. Dumaresq, Mr. Gill, and Mr. Lewis.

The Minutes of the last meeting were read and confirmed.

The Draft Report was read and agreed to.

Resolved, that the Chairman be instructed to present the Report to the House at its next sitting.

The Committee adjourned *sine die*.

## REPORT.

YOUR Committee, having taken evidence in support of the allegations contained in the Preamble of the Bill, have the honor to report that the said Preamble, with certain unimportant amendments, has been proved to their satisfaction.

Your Committee then proceeded to consider the Bill clause by clause, and beg now to submit it for the favourable consideration of your Honorable House, with such amendments as they deem necessary.

N. E. LEWIS, *Chairman*.

*Committee Room, House of Assembly,  
22nd October, 1891.*

## EVIDENCE.

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TUESDAY, SEPTEMBER 15, 1891.

AUDLEY COOTE, *called and examined.*

1. *By Mr. Lucas.*—What is your name? Audley Coote.
  2. You are a Member of the Legislative Council? Yes.
  3. You are acquainted with the coal measures at the Sandfly? Yes.
  4. And also with North West Bay? Yes.
  5. Can you give the Committee any information as to the extent and value of those coal fields? I believe myself there is a very valuable deposit of coal there. I have examined the coal deposits, and think there is everything to warrant a railway being constructed there to develop them.
  6. Has a survey for a railway from North West Bay to the Sandfly been made? Yes; I paid half the cost of that particular survey.
  7. Did you afterwards tender for the construction of the line on the basis of that survey? Yes, I think I did, or I instructed Mr. Climie to do it.
  8. If that railway is constructed and that coalfield opened up, will it be an advantage to Hobart and Tasmania generally? Yes; but I would like to state my views upon the question of communication. I think that it will be necessary to get running powers over the Huon railway, if such are not already asked for in the Bill, by agreement with the Government. There is a marked tree about 700 yards from the hotel at Longley which is the centre peg of the Huon railway. This peg is three miles from the coal deposits at the Sandfly, and my opinion is that a branch line should be constructed from the Sandfly to connect with the Government line at that point, because I do not think you will ever get the coal delivered in Hobart in such large quantities or so cheaply by means of crafts from North West Bay as you will by means of the Huon railway. This arrangement is the more necessary because you will be bound to deliver coals in Hobart, because some of the large steamers could not go to North West Bay. The coal could then be brought to Hobart at the following figures:—It would cost 4s. a ton to get the coal, 3d. per ton more to get it from the mine to the Government line at Longley, 1s. 4d. a ton to get it from Longley to Hobart, 1s. for management, and 6d. for agencies in Hobart, or 7s. 1d. per ton delivered in Hobart. It could then be put on board steamers at 10s. a ton at a profit, and it could be delivered in Hobart for 11s. or 12s. a ton. If you construct the railway from the mine to North West Bay you will have to build 10 miles of railway, with sidings &c., which will bring it up to 12 miles in all; and to deliver the coal at North West Bay on board steamers, the figures will be—getting the coal, 4s. a ton; haulage, 1s. a ton; management, 1s. a ton; and unforeseen contingencies, 6d. a ton,—or 6s. 6d. a ton in all. It could be put on board steamers at North West Bay at 10s. per ton, which is the same figure that it is put on board for at Newcastle.
  9. Supposing we have a railway to the shipping port, as well as a branch line to Longley, will not there be a great deal of sea-borne traffic to the West Coast and other places? Yes; and you will get a fair share of the Adelaide and West Australian trade as well as the West Coast trade.
  10. I presume that harbour works will be necessary at North West Bay? Yes, we want £1000 to make wharfage.
  11. Do you know the quality of the coal? Yes.
  12. Is it fit for steaming purposes and gas? It is certainly fit for steaming purposes; but I have not had it carefully tested for gas, though, in the analyses of it, it has always been stated that it gave a fair quantity of gas.
  13. Are there any seams of anthracite coal at the Sandfly? Yes; the lowest seam of all was said to be, by a New South Wales expert, the most valuable seam of anthracite coal in Australia.
  14. Are you aware whether Mr. Cosmo Newberry has given an opinion in regard to that seam? No, I do not know.
  15. *By the Chairman.*—Have you any idea of the area of coal-bearing country there is at the Sandfly? There is a large area. I have myself seen four seams of coal ranging from 3 ft. to 3 ft. 6 in. in thickness. These seams are all dipping to the north and north-west. Drives have been put in on them to the extent of certainly 40 or 50 feet; in fact, the coal deposits are in a large basin the area of which is several thousand acres.
  16. *By Dr. Crowther.*—What depth of water could you obtain for an expenditure of £1000? It would give a depth sufficient for vessels drawing 15 feet. For the £1000 it was proposed to construct a wharf, but for, say £2500, we could build a jetty which would allow vessels drawing 27 ft. to 30 ft. to come alongside.
  17. Would it be cheaper to carry coals to North West Bay than to Hobart? Yes, about 1s. 4d. a ton.
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ALBERT REID, *called and examined.*

18. *By Mr. Lucas.*—What is your name? Albert Reid.
19. What are you? Deputy Commissioner of Crown Lands.
20. You can inform the Committee what land is taken up between the Sandfly and North West Bay? Yes.
21. Can you produce a plan showing that? Yes, I produce the plan.
22. The land supposed to be coal-bearing has been withdrawn from selection, has it not? Yes.
23. Can you give the Committee any idea of the quantity of land withdrawn at Tongataboo? There are 2000 acres at Tongataboo, and about 1000 acres on the other side of the range which could be withdrawn if required.
24. Have many selections been made in that district lately? No; there have not been more than two within the last six months. There has certainly been no run upon the land.
25. Do you know the reason the land has not been taken up there to any greater extent? No, except that the place is rather inaccessible.
26. And the withdrawal of that land from selection would be no hardship to the public? No.
27. And that land would be an assistance to the company in getting their line through? Yes.
28. I think all the land near the shipping port has been selected? Yes, all within two miles of the coast line.
29. Do you know anything of your own knowledge of the coal measures of the Sandfly? No.
30. *By the Chairman.*—What is the character of the land not yet taken up? It is believed to be heavily timbered.
31. Do you know what area of land has been withdrawn from selection for mineral purposes? By looking at the map I should judge about 5000 acres, extending over on to the Sandfly Rivulet.
32. *By Dr. Crowther.*—Do you know the amount of Crown land reserved at North-West Bay that will be utilised if this railway is constructed? No, I cannot say of my own knowledge.

ARTHUR WILLIAM LAWDER, *called and examined.*

33. *By Mr. Lucas.*—What is your name? Arthur Wm. Lawder.
34. What are you? A civil engineer.
35. Are you well acquainted with the Sandfly coal measures and North-West Bay? Yes; I inspected them very carefully two and a half years ago.
36. What is your opinion in regard to North-West Bay as a port for a large output of coal? It is without exception one of the best protected harbours in the whole colony. The water is not liable at any time to be much disturbed by storms or gales, and the water 300 feet from the shore has a depth of over 24 feet for about a distance of one-third of a mile.
37. I believe you took soundings? Yes, in your presence, Mr. Lucas.
38. Do you think that if a railway was constructed from North-West Bay to the Sandfly coal mines there would be a large output of coal? Undoubtedly, if the coal mines are properly developed.
39. Would that be an advantage to Hobart and the colony generally? There can be no question about it.
40. Would there be a trade between that port and the West Coast in coal, coke, and fire-bricks? Yes, a large one. The coal is of excellent quality, both bituminous and anthracitic. There are two seams of anthracite running from 3ft. 6in. to 4ft. 6in. in thickness, and two of bituminous coal running from 2ft. 9in. to 4ft. in thickness, besides sundry other small seams running parallel to them. As far as I could see from the strike the seams are continuous, and the dip is small, 1 in 30 at the outside. They are on the face of a hill looking towards the south east, and can be readily worked and drained by means of adits.
41. You have been engaged in India in railway construction and inspecting coal? Yes; while on the Geological Survey I was engaged in inspecting coal fields.
42. Will you tell the Committee what you know about the Sandfly? Yes. It would be a very easy thing to get a tramway on a fair down grade all the way to North West Bay from the Sandfly. A line was laid out by Mr. Climie which was 11 miles in length, with a down grade of 1 in 30 on certain portions of the line, and other intervening lengths of a very much less grade. I think that careful investigation will enable you to get a shorter line, and one with a better gradient, running round one of the spurs of the hills to the south of the Sandfly Hill. Mr. George Lovett, of the Mines Office, endeavoured to explore that country on two or three occasions, but the bush was so thick that he was rather puzzled, and he could not say where you can get an entrance into the hollow of the Sandfly, which is enclosed by the hills in rather a horse-shoe form, while the watershed dips towards the Huon River. I think you can get a line 10 miles in length by the route I suggest, which would open up a large amount of timbered land, and by getting in at level of lowest seam would better enable all the seams to be worked than the line at top of hill (Climie's.)
43. Would not a tram from the Sandfly, whichever route was adopted, open up a heavily timbered land? Yes, and very good land. In regard to the anthracite coal from the Sandfly, its character is especially noticeable. This coal is not generally found in the Australian Colonies, and, in fact, is not found except in a few places in the world. The principal sources of anthracite are the large mines,

in Pennsylvania; and there it is considered of such value that it is worth 50 per cent. more than bituminous coal at the pit's mouth. In 1888 its value at the pit's mouth in Pennsylvania was  $1\frac{1}{2}$  dollars, while bituminous coal was worth only 1 dollar. People at first were adverse to the use of anthracite coal, because it was difficult to ignite, but it was found that it has many advantages. Its caloric superiority over bituminous coal is 30 per cent; and it is equally good for steaming, smelting, and domestic purposes. It is also free from dust, smoke, and soot, which bituminous coal is not. Bituminous coal is a gas-making coal, and the ordinary coke of commerce is the residue after the gas has been made. Anthracite coal is a natural coke, but differs from the ordinary coke in that it is compressed by nature. The amount of carbon in the anthracite coal of the Sandfly is 81 per cent., and in the bituminous coal, 59 per cent.

44. Do you know of your own knowledge whether anthracite coal is largely used in America for steaming purposes? I know from statistics and good authorities that it is largely used indeed; in fact, it is almost exclusively used in those States, where it is readily obtained, for steaming and domestic purposes.

45. Then, these anthracite seams at the Sandfly are likely to be largely used? Yes, for the before stated purposes anyhow. I have been in communication with the Principal of the Colorado Scientific College with reference to smelting silver-lead ore with anthracite. He informs me that the source of the American supplies of anthracite—Pennsylvania—is such a distance from Colorado that they have not thought about using the anthracite for that purpose yet, and have not carried out many experiments in that respect. He does not think, himself, that anthracite, being so dense, would suit for smelting the silver-lead ores of Colorado, unless it is judiciously mixed with some other material. The ordinary coke formed in making gas is porous and spongy, and lets the heated air through it, which, in smelting ordinary silver-lead ores, is requisite. If we could devise means—and there is no reason why we should not—of suitably mixing wood charcoal, or even common coke, with our anthracite, we might use it successfully for smelting.

46. I believe that it is more economical than coke? Undoubtedly. The Broken Hill people paid £2 18s. a ton at Port Pirie for English coke, and I believe that you can turn out and deliver anthracite coal at North West Bay at 7s. a ton; to which, of course, you must add your profit. I think you could supply it at the West Coast mines at from 12s. to 14s. a ton, which would be very cheap indeed. Irrespective of the anthracite, you can make coke from the bituminous seams for the supply of the West Coast if the use of the anthracite only is found impracticable. I think, however, that a judicious mixture of anthracite and artificial coke will be found suitable for smelting, particularly for the richer ores. It might be found profitable to go in for making coke from your bituminous seams, allowing the gas to go to waste, for the supply of the West Coast. You could supply this at from 30s. to 35s. a ton, which would be a large saving upon the cost of coke from England. You must, however, understand that there are proper coke furnaces and processes which are the most economical and must be adopted. If the coke made was mixed with the anthracite, and found suitable for the smelting of the richer ores, I would recommend that both be supplied to the West Coast. It is very rarely that you find bituminous and anthracite coal together.

47. Do you think that this opening up of the Sandfly will be a great benefit to Hobart, and promote trade generally between Hobart and the other colonies? Yes; I have always thought it would be a great benefit to the colonies, Victoria particularly, to have another source of coal supply apart from Newcastle, in case of mining strikes or intercolonial disputes. We seem to want, however, first of all, a local demand to develop the southern coal fields, and we have it now in the West Coast, and there is no reason why our coal fields should not enter into every favourable competition with the Newcastle fields.

48. *By the Chairman.*—Do you think that the bituminous seams at the Sandfly would make good coke? I do.

49. Has coal been discovered in any of the neighbouring Colonies which would make good coke for smelting purposes? Yes, some of the New South Wales coals coke well.

50. Are they much used for making coke for smelting purposes? They are, so far as the conveniences for getting them will allow them to be brought into demand. As far as I remember, these mines are inland, and not on the coast.

51. Do any of the Newcastle coals make good coke? I am not in a position to say, but I rather think not. It is a question whether they have gone in for making it, as it is unprofitable unless there is a large and favourable market. I am not in a position to give a definite opinion upon that point.

52. Is anthracite found in any of the other coal measures in the Australian Colonies? No, I believe not. The New Town coal here is anthracite, but it is of inferior quality, and the beds are thin. There is an anthracitic coal at Whale Head, near Recherche Bay, which must also be opened up by development of the West Coast. From inquiries I have made, I find that the total quantity of coal consumed in and near Hobart includes the quantity supplied to vessels amounts to somewhere about 40,000 tons a year, which would be a large trade to start with. That was before the P. & O. and Orient vessels called here for fruit. Other vessels would take in their supplies of coal here in preference to coaling in New Zealand, where it is dearer.

53. *By Mr Sutton.*—Why is English coke used in New South Wales? Because it is made in a superior manner, and is considered a better coke. I presume you mean at Broken Hill.

54. Is not coke made at Kiama and Woollongong, in New South Wales? I have no knowledge of it. Those two towns are on the East Coast, and if so there is no reason why ships should not call and take their coke to Port Pirie.

55. If coke is made out of the Sandfly coal, will it not stand a better chance of being used than the English coke? Yes. The two great points in coal mining is in getting out the coal, and getting it away, and the Sandfly coal measures are favourably situated in both those respects.

56. What is the cost of hewing coal? Taking it all round, 4s. a ton at the pit's mouth is a fair average of the cost for the Sandfly. The haulage to the port will be about 1s. 9d., and I think 7s. per ton will amply provide for everything. There is one item I would like to mention, and that is the fire-clay.

It is advantageous in two respects. It prevents waste in hewing coal, and is in itself very valuable, as it brings from £3 to £4 a ton cleaned. It is a very important thing, as it is largely used in the lining of furnaces for smelting purposes. Another point I should like to mention is that ships could leave Hobart without any ballast and go to North West Bay and take in coal as ballast, as the channel is protected the whole way.

57. *By Mr. Gill.*—What is your idea as to connecting these mines by rail with the Huon railway and getting running powers from the Government, and bringing the coal to town that way? I think you will find that the coal will be cheaper if it is brought down your own tram line and then on by water; but it will be advantageous for the Government to have a branch line from the Huon railway to the mines, as they will be able to train out all their own coal, and supply all the various railway systems without breaking bulk from the time the coal is loaded at the mines.

58. Is it possible to get in a railway to the mine from Longley? Undoubtedly; there would be no difficulty about it.

59. Do you accept it as a standing rule that water carriage is cheaper than carriage by land? Yes, except in particular cases where the Government is concerned. In this case they would find it cheaper to load coal for their various railway systems at the pit's mouth, and haul the trucks to them without breaking bulk.

60. *By Dr. Crowther.*—Can you form any estimate of the coal area at the Sandfly? It is a difficult thing to tell, as the country is all so thickly wooded. I can only say that the seams have been opened at several different points, and from the fixed inclination at these various points I think there is a considerable area of coal-bearing coun. As far as it affects this one Company there is an enormous amount of work in sight, quite sufficient to warrant the construction of a tramway.

61. *By Mr. Mulcahy.*—What is the reason of the superiority of the English coke? The superiority of the coal has a great deal to do with it, and the method of manufacture is perfect.

62. Do you think the Sandfly coal will make coke as suitable for smelting silver-lead ore as the English coke? It is a difficult thing to tell. I think it would if it was put through a proper manufacturing process. The outer portions of this coal at the Sandfly contain infiltrations of sulphate of lime and clayey matter, which causes the percentage of ash to be very great,—in fact, according to Mr. Ward, it was 9 per cent. in the bituminous coal, and 14 per cent. in the anthracite coal; but all practical men agree, though some geologists differ, that the nearer the coal to the surface the more impurities it contains, and the further in you go the better the coal becomes.

63. *By Mr. Sutton.*—Is coke the only material used in smelting? No, charcoal is largely used in Sweden for the manufacture of iron, and the Swedish iron is the best in the world because it is smelted at a certain mild heat.

64. Is it probable that charcoal will ever be used for ore-smelting? You will soon get to the end of your timber forests if you adopt that system. I think that every atom of the timber at Zeehan should be conserved for domestic and mining purposes. Wood charcoal will never compare with coke, as one ton of coal is equal to about three tons of wood. It takes one ton of coke to every three to five tons of ore to be smelted, and estimating the output of ore at 200,000 tons a year, it will take 50,000 to 60,000 tons of coke to smelt it, or 150,000 to 180,000 tons of wood, and at that rate you would soon come to the end of your forests.

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ANDREW PATON MILLER, *called and examined.*

65. *By Mr. Lucas.*—What is your name? Andrew Paton Miller.

66. You are interested in the Sandfly coal? Yes.

67. Are you acquainted with the Sandfly? I used to go there about 14 or 15 years ago, when we first took up this matter.

68. Are you interested in the company to construct a railway from the coal mines to North-West Bay? Yes.

69. Can you tell the Committee what prospect of a trade there is if that railway is constructed? I have been satisfied for the last 15 years that if we could only get the coal to the deep water that it would be a grand thing. I don't think there can be any doubt of a large trade being opened up, because the quality of the coal is first rate, and the quantity of it is unlimited.

70. How many seams of coal are there? I forget. I have not been there of late years.

71. If this Bill is passed is there an immediate prospect of getting the thing floated and in working order? There is no doubt of it; of course we will have to get some money to assist us, but there will be no difficulty about that.

72. Application has been made to reserve certain lands from selection between the Sandfly and the water: will that facilitate the operations of the company? Yes, very much indeed. If it is allowed to be taken up difficulties will arise.

73. Will it facilitate the operations of the company if they are allowed to take timber? Yes.

74. *By the Chairman.*—Are you a director? Yes.

75. How many acres has the company got? I really forget.

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GEORGE ROBERTS, *called and examined.*

76. *By Mr. Lucas.*—What is your name? George Roberts.
77. Are you a landholder residing at the Sandfly, in the immediate vicinity of the coal mines? Yes.
78. How long have you been on these mines? About 10 years.
79. And you are well acquainted with the Sandfly Basin? Yes.
80. You were connected with Mr. Climie in making a survey of the line? Yes.
81. Can you tell us the area of land known to be coal-bearing on the Sandfly? It is about 3 or 4 miles wide from Spicer's Hill down towards North West Bay, and then away across to the westward.
82. How many seams have been opened on that land? About five; three of anthracite, and two bituminous.
83. What is the width of Hurst's seam? 4 feet 6 inches.
84. And the one lower down in the little gorge? 14 inches.
85. And the one on top of it again? Three feet. One of the bituminous seams is five feet wide, and the other 2 ft. 6 in.; and one small one 14 inches.
86. Do all those seams dip in one direction? Yes, they all dip north west.
87. And about the same angle? Yes.
88. What is the difference in height between the top seam and the lowest one? About 400 or 500 feet.
89. What is the quality of the coal? It is good.
90. Do you know if these coal measures extend towards the Mountain River? Coal has been found at Vince's, about 3 miles from these mines.
91. That is north-westerly, and on the dip of the seam? Yes; it has been found also away down by Mr. Clarke's place. It extends 3 miles south west.
92. Are there any indications of coal on the eastern side of the saddle? Yes, in one place.
93. Is there any good agricultural land on the line of the proposed railway? Yes, in some places there is very good land.
94. What is the timber like in that district? There is some very good stringy-bark and blue-gum.
95. Do you know Tongataboo? Yes.
96. Is there not a very valuable bed of timber there? Yes.
97. Would the operations of the company be facilitated if they had the use of that timber? Yes.
98. And would the granting of unselected land to the company assist them? Yes, a great deal.
99. Are you satisfied that there is a large area of land bearing coal there? Yes.
100. And that the coal is of good quality? Yes.
101. Are there not special facilities in the lay of the country for working the coal? Yes; we have not got to sink, only to drive in on the seams.
102. And does not the lay of the land facilitate the drainage of the mine? Yes.
103. What is the area of the land held by the company? 500 or 600 acres.
104. *By the Chairman.*—Do you think that a good line could be discovered between the Sandfly and North West Bay? Yes.
105. With easy grades? Yes.
106. *By Mr. Mulcahy.*—Do you know the country between North West Bay and the Sandfly? Yes.
107. Is there much of it taken up? Not a great deal.
108. Do you know the routes proposed for this railway? Yes.
109. Will it be a benefit to the land it goes through? Yes, away back in the bush; but it will not do any good to the land down by North West Bay.
110. Will it benefit the majority of people whose land it will go through? Yes, I think it will.
111. *By Mr. Lucas.*—You have found fireclay under this coal? Yes.
112. Did you hear Mr. Robertson Allison say anything about it? He said the coal was very good, but he thought the fireclay would be more valuable even than the coal.

JOHN RALPH WORSLEY, *called and examined.*

113. *By Mr. Lucas.*—What is your name? John Ralph Worsley.
114. You are a storekeeper at North West Bay, and a native of the district? Yes.
115. Are you well acquainted with the Sandfly? Pretty well.
116. Do you think the opening of those coal mines by railway would be of advantage to the district? Yes, it would be of great advantage.
117. From your own knowledge, do you know whether the opinion of the district is in favour of this line or otherwise? It is strongly in favour of it.



118. Did not all the landowners once meet and sign an authority allowing the then company to take the line through their land? Yes; and I think they would again, so long as it did not injure their property.

119. Do you know the feeling of the district very well? Yes.

120. And there is no objection on the part of the inhabitants to this line? No, there is none. The people are anxious to get the line, as it will benefit their property.

121. What is the quality of the coal? First class.

122. Is the lay of the country advantageous for working the coal? I do not know of my own knowledge.

123. Have any selections been made at Tongataboo lately? No.

124. Would the withdrawal of that part of the district from selection have any bad effect on settlement? No, I don't think so.

125. Would this railway promote settlement? Yes.

126. Would it promote trade in firewood and timber? Yes; there is a splendid lot of timber and firewood throughout the whole course of the line.

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EDWARD MACE, *called and examined.*

127. *By Mr. Lucas.*—What is your name? Edward Mace.

128. You are manager of the Sandfly Coal Mining Company, Limited? Yes.

129. How many acres are held by the company? 500, and there are 500 more applied for.

130. The company is formed for the purpose of carrying out this work, aided by a syndicate in Melbourne? Yes.

131. Are not the syndicate waiting for the passing of this Bill to send over an expert? Yes.

132. Have you floated the company subject to the approval of the expert? If the expert approves of it, the thing is arranged.

133. Upon the passing of the Bill, the company will be floated? Within a month or two.

134. Do you know anything of the coal? Yes, there are five seams, bituminous and anthracite.

135. Have you had the coal tested in Melbourne? Yes.

136. Were the results of the assays satisfactory? Quite so. The Chief Engineer of the *Orlando* had three bags sent him. He tried it in one of the launches, and said it was the best coal he had used in the colonies. He said that Hobart would be made a coaling station for the fleet if they could get coal of that quality in sufficient quantities. We were to have an official report, but the vessel left before we got it.

137. Will the right to select land in the manner proposed in this Bill facilitate the operations of this company? Yes; a trade in timber is one of the great things that this line will establish.

138. *By the Chairman.*—Are there any other companies at the Sandfly? No; we lost one 100-acre section through our notices being pulled down.

139. Do you know if North-West Bay is a good shipping-place? Yes, by carrying out a jetty we can get very deep water.

140. *By Mr. Mulcahy.*—Do you know anything regarding the assayer's report? Yes, it was very good indeed. I have it in my office. The plan of the railway I left in Melbourne.

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ROBERT SLIDE, *called and examined.*

141. *By Mr. Lucas.*—What is your name? Robert Slide.

142. You reside at the Sandfly? Yes, at Cook's Rivulet.

143. Do you know the mines at the Sandfly? Yes, I was employed there.

144. Do you know the extent of the coal-fields there? They run about two miles from the Sandfly towards Victoria, on the Huon.

145. Do you know how far they go in the direction of Vince's? No, I don't know much about that.

146. How many seams are opened up? There are three different seams opened. There are a great many outcrops.

147. Do you know if the people in that district have any objection to this line? No, there is none. Everyone is in favour of it, and anxious to have it laid down.

148. Will it improve properties in the neighbourhood of the Sandfly? Yes, it will be a great improvement to the whole district.

149. Will it open up a trade in timber and firewood? Yes, a splendid one. There is plenty of good splitting timber and firewood, which could not be utilised without this line.

150. Will it open up any good land? Yes, many thousands of acres, which have neither roads or tracks to them at present.

151. Can that land be utilised without means of communication? No.

152. Would the construction of this line give a large amount of employment? Yes.

153. And improve property? Yes.

154. Is the land you speak of in the neighbourhood of Tongataboo? Yes; there are many thousands of acres which have never been surveyed.

155. *By Mr. Mulcahy.*—Do you know the country well? Yes.

156. Do you know the route of the railway? Yes.

157. Is there much good timber on that line? Yes.

158. Supposing the company is allowed to take timber for half a mile on each side of the line, do you think the residents of the district would offer any objections? No. The timber is so far back that it will not stand carting.

159. *By Mr. Gill.*—From which seam did the block of coal on the table come? From No. 5.

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## APPENDIX A.

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

The humble Petition of the Sandfly Coal Mining Company, Registered, No Liability, of Hobart, in Tasmania,

SHOWETH :

1. That, within three months previously to the presentation hereof, notice of the intention of your Petitioners to apply for a Private Bill was published, as by the Standing Rules and Orders of your Honorable House is prescribed, as follows ; that is to say—

In the *Hobart Gazette* on the twenty-third and thirtieth days of the month of June last past, and on the seventh and fourteenth days of the month of July last past ;

In the *Mercury*, being a public newspaper published in Hobart aforesaid on the nineteenth and twenty-sixth days of June last, and the third and tenth days of the month of July last past ;

which said notice contained a true statement of the general objects of the Bill as hereinafter set forth.

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

To enable the said Company to lay down, construct, and work a Tramway or Railway from the Coal Sections at the Sandfly, in Tasmania, now held or which may be acquired by the said Company to North West Bay, in Tasmania.

To enter upon all lands situate between the said Coal Sections and North West Bay aforesaid for the purpose of deciding the route of such Tramway or Railway, and to take and hold such portions of the said lands as may be deemed necessary for the attainment of the objects of the said Company.

To construct and maintain such jetties and wharfage accommodation as may be deemed necessary for the purposes of the said Company.

To provide for the levy of charges and rates of transit for passengers and goods other than those connected with the said Company as may be carried on the said Tramway or Railway.

To provide for the incorporation of the Lands Clauses Act in the said Bill for the acquisition of all such lands as may be required for the purposes of such works or any of them.

To provide for the sale of the property, interest, and rights of the said Company in the said Coal Sections, Tramway, or Railway, or any part thereof, to any person or persons, company, corporation, or local or public body, and for the letting upon lease or royalty of the said Tramway, Railway, and Coal Sections, either together, separately, or in part or parts, as may be deemed advisable by the said Company.

To provide for the regulation, maintenance, and protection of the said Tramway or Railway, and all machinery and property of the said Company, and for the making of By-laws in relation thereto, and for the imposition of penalties upon persons infringing the provisions of the said Bill, By-laws, and Rules.

The said Bill will also contain all Clauses usual in Bills of a like nature or deemed proper for enabling the said Company to complete the said works and undertakings, and to work and maintain the said Tramway or Railway and Coal Sections.

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

And your Petitioners will ever pray, &c.

Dated this fifth day of August, 1891.

ANDREW P. MILLER, *Chairman of Board of Directors of Sandfly Coal Mining Company, Registered, No Liability.*

R. J. LUCAS, *Director of the Company.*


EDWARD MACE, *Manager.*


**Proposed Amendments in Committee.**

A

**B I L L**

TO

Authorise "The *Sandfly* Coal Mining Com- A.D. 1891.  
 pany, Registered, No Liability," to construct  
 and maintain a Railway and also Harbour  
 and other Works, to acquire certain Free-  
 hold Leases and Privileges of Occupation  
 in the Parish of *Longley*, in the County of  
*Buckingham*, in *Tasmania*, and to control  
 and manage such Railway, Harbour, (and)   
 Lands, and for other purposes.

[W]HEREAS it is desirable and for the benefit of the Colony that PREAMBLE.  
 Harbour Works should be constructed at *North West Bay*, in  
*Tasmania* :] 

[And] Whereas "The *Sandfly* Coal Mining Company, Registered, No  
 5 Liability," has been formed for the purpose of mining for coal, fire-clay,  
 brick-earth, and other minerals on certain coal-bearing sections of land  
 situate at the *Sandfly* Ranges, in *Tasmania*, and for constructing and  
 maintaining a railway from *North West Bay* to the said lands for the  
 profitable working of the coal and other minerals known to exist  
 10 thereon :

[*Private.*]

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

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And whereas it is expedient (and for the benefit of the Colony) that the Company should be authorised to construct (work) and maintain the said [works] (Railway and also certain harbour and other works at North West Bay, in *Tasmania*) and should be granted the powers, authorities, and concessions hereinafter proposed to be conferred on them :

And whereas such objects cannot be obtained without the authority of Parliament :

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

Short title.

**1** This Act may be cited as “The *Sandfly* Coal Mining Company’s Act, [No Liability.]” (1891).

Interpretation.

**2** In this Act, and in the By-laws under it, the several words and expressions shall have the meanings attached thereto as follows :— 15

“The Company” means “The *Sandfly* Coal Mining Company, Registered, No Liability,” and includes any person or persons or corporate body authorised by them :

“Harbour Works” includes piers, jetties, slips, docks, landing-places, wharves, cranes, shoots, machinery, moorings, 20 buoys, beacons, and other works :

“Goods” shall include all wares, merchandise, and articles of every description :

“Company’s works” shall include [the whole] (all or any) of the harbour works, railway works, water works, mining 25 works, buildings, structures, excavations of every kind executed or acquired by the Company :

“Railway” shall include tramways, cuttings, embankments, tunnels, side-cuttings, drains, bridges, culverts, stations, buildings, sheds, rails, points, and everything connected 30 with the railways or tramways :

“Aqueduct” shall include dams, weirs, channels, flumes, embankments, sluices, syphons, pipes, valves, drains, and everything connected with the waterworks :

“Mines” or “Mining works” shall include shafts, drives, 35 tunnels, adits, winding-gear, pumps, machinery, buildings, and erections belonging to the workings of the mines :

“Vessel” shall mean any ship, lighter, barge, boat, raft, or craft, or any other kind of vessel, whether propelled by steam or otherwise : 40

“Buoys” or “beacons” shall include all other marks and signs of the sea :

“Moorings” shall include permanent and temporary moorings, anchors, chains, buoys, posts, dolphins, and everything 45 belonging thereto :

“Owner” as applied to a vessel shall include any person who is part owner or shareholder in a joint stock company registered as owners :

“Owner” as applied to goods shall mean consignor, consignee, shipper, agent for the sale or custody, loading, or unloading 50 of such goods, as well as the owner thereof :

“Master” shall include every person (except a pilot) having charge or command of any vessel :

“Minister” shall mean the Minister of Lands and Works of the Colony for the time being : 55


“Wreck” shall include flotsam, jetsam, lagan, and derelict :

“Person” shall include a corporation, commission, or other public body, or persons trading together in partnership :


“Port” shall mean the harbour at North West Bay, both in its present state and as proposed to be improved, and the 60 approaches thereto, extending one mile seaward from low-water mark.

3 The Crown land situate [between the saddle at the *Sandfly* (within two miles on both sides of a straight line drawn from the centre of an allotment of land) known as *Spicer's Section* at the *Sandfly* [and] (to the Public Jetty at) *North West Bay*, [and bounded by the 5 *North West Bay* River from *North West Bay* to *Cook's Rivulet*, and thence by that rivulet to the head thereof on the one side and the range of hills extending from the said *Spicer's Section* in a southerly and south-easterly direction extending along the western side of a swamp known as *Tongataboo*, and thence southerly to the *Snug River*,] shall 10 be withdrawn from sale, lease, licence, or other occupation until the completion of such railway, or until the expiration of Eighteen months from the date of the passing of this Act.


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 Land to be withdrawn from sale.

4 In addition to and irrespective of the land now held (or hereafter to be acquired) by the Company under the Mineral Lands Act 15 of *Tasmania*, the Company may take, hold, and occupy, subject to the approval of the Governor in Council, any Crown lands, free of rent or charges, required for the purpose of constructing, maintaining, and working a line or lines of railway, and aqueducts or water courses in connection therewith, lying between the said sections now 20 held (or hereafter to be acquired) by the Company at the *Sandfly* and *North West Bay*, and may construct and work such railway upon or across any existing roads in the route of the said Railway, and may have and take all necessary marginal land for stations and sidings as may be necessary for the proper working of the said railway.

 Company may occupy and use any Crown lands for certain purposes.


25 (A The Company may from time to time purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as they may deem necessary for the purpose of constructing, maintaining, repairing, or improving the Company's works, or of obtaining materials for any such purpose, or as they may deem necessary for any other of the 30 purposes of this Act; and, subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act, but there shall not be incorporated Sections Eight and Nine of the said *Lands Clauses Act*; for the purposes of such incorporation this Act shall be deemed to be the special Act, and the Company shall be deemed to be the 35 Promoters of the undertaking.)

 (Power to take Land. 21 Vict. No. 11.)


(B Any notice required to be given by the Company as Promoter under *The Lands Clauses Act*, or this Act, shall be sufficient if such notice is under the seal of the Company or signed by the Solicitor or Legal Manager of the Company.)

 (Signature of notice.)


40 5 The land to be taken for the line of railway shall not exceed Twenty-two yards in width, except as otherwise provided for in this Act, or, where a greater width is necessary for an approach to the railway, or for waggons or other carriages to turn, remain, stand in, or pass each other, or for raising embankments for crossing valleys or 45 low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery, stations, toll-houses, warehouses, or other erections or buildings, or for excavating, removing, or depositing earth or other materials.

 Width of land for railway purposes not to exceed Twenty-two yards.

6 The Company may take, hold, and use free of rent or charge, such 50 water-rights as may be necessary for [their engines, mines, or any purposes of their undertakings]. (the Company's works).

 Company may take necessary water-rights.

7 (Subject to the approval of the *Hobart* Marine Board) the Company shall have the right to construct wharves or jetties upon or from such land as may be secured by them for that purpose into 55 the water at *North West Bay* within a limit of Five hundred yards seaward from the sea shore, and have the exclusive right to the use of the said wharves or jetties.

 Company to have right to construct wharves, &c.

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Right to select  
Crown lands  
under [*Waste*]  
(*Crown*) *Lands*  
*Act.*

**8** The Company shall have the right to select any Crown lands along or adjacent to the proposed railway (including the land reserved under Section Three) up to [One thousand] (Five hundred) acres, in one or more blocks of not less than One hundred acres each, and to purchase the same under the provisions of [*The Waste Lands Act,*] (“The 5 Crown Lands Act, 1891,”) of *Tasmania*.

Right to sell  
and remove  
timber within  
half a mile of  
railway route.

**[9** The Company shall have the exclusive right, for a period of Seven years from the passing of this Act, to cut and remove all timber growing on Crown lands within a radius of half a mile of their railway, and also on their mineral sections, for all purposes besides 10 mining purposes.]

Construction  
gauge of railway.

**[10** The railway shall be constructed of sound materials, and upon the gauge upon which Government railways are at present constructed.]

(Railway may be  
inspected during  
construction.)

**10** (The Railway shall be constructed of sound materials, and upon 15 such gauge and with such rails, grades, or curves as may be approved by the Minister; and the Minister may, from time to time, at the cost of the Company, appoint one or more officers to inspect the said Railway during the construction thereof, and it shall be lawful 20 for every officer so appointed for the purpose aforesaid from time to time to enter upon the said Railway during the construction thereof, and to inspect the manner in which the same is being constructed and the condition and state of repair thereof; and the Minister, upon the report of any such officer as aforesaid, may require the Company to 25 make such additions or repairs to the said Railway as may be necessary to make the same efficient and to ensure the safety of the said Railway and of the passengers and goods conveyed thereby; and the Company shall, within such time as the Minister shall require, make all such additions or repairs to the said Railway as the Minister shall so require 30 as aforesaid.)

(Railway to be  
kept in proper  
repair.)

**C** (After the said Railway has been completed the Company shall properly and efficiently maintain and work the said Railway; and the Governor in Council may, from time to time, appoint one or more officers to inspect the said Railway and to report upon the state and condition of repair thereof, and the manner in which the same is being 35 maintained and worked; and it shall be lawful for every officer so appointed for the purpose aforesaid from time to time to enter upon the said Railway and to inspect the same and all the rolling-stock thereof, and the manner in which the said Railway is being worked; and the Minister may, upon the report of such officer as aforesaid, 40 require the Company to make such repairs to the said Railway and such repairs or additions to the rolling-stock thereof as may be necessary to ensure the safety of the said Railway or of the passengers travelling thereon, or the efficient maintenance and working of the said Railway; and the Company shall, within such time as the Minister shall require, 45 make all such repairs and additions to the said Railway and the rolling-stock thereof as the Minister shall so require as aforesaid, and the Company shall be liable to a penalty not exceeding Five Pounds per diem for every day which may elapse after the time named by the Minister until the repairs and additions are made as aforesaid.) 50

(Maximum  
penalty of £5  
per diem.)

Company may  
purchase other  
lands.

**11** It shall be lawful for the Company, in addition to the lands now held by them, to contract with any party willing to sell or lease for the purchase or leasing of any lands not more than Five miles distant from their line of railway that may be requisite or convenient for the

business or purposes of the Company, and it shall be lawful for all owners of such lands to sell and convey or lease the same to the Company. A.D. 1891.

12 The Company shall have the right to make, maintain, and use the works [hereinafter] authorised (by this Act) [to be constructed within the limits described, and also within five hundred yards seaward from any part of the seashore at *North West Bay* aforesaid.] Company may make and use works.

*Construction of Works.*

- 13 It shall be lawful for the Company, for any of the purposes aforesaid, and with the approval of the Minister— Works.
- 10 To enter upon any [unoccupied Crown] lands without notice, and survey and take levels of the same :
- To make or construct upon, across, under, or over any such lands or any public streets, roads, rivers, or creeks, such tunnels, embankments, aqueducts, bridges, roads, ways, culverts, drains, arches, cuttings, fences, and other works as [they may think proper] (may be necessary for the construction, working, and maintenance of the Company's works) :
- 15 To divert or alter, as well temporarily as permanently, the course of any streams of water, public roads, streets, or ways, or raise or sink the level of any such streams, roads, or ways, in order the more conveniently to carry the same over or under or by the side of the railways, aqueducts, or other works, as [the Company may think proper] (may be necessary for the construction, working, and maintenance of the Company's works) :
- 20 To construct wharves, jetties, piers, docks, slips, cranes, or any other works [they may think proper], (as may be necessary as aforesaid, and be approved by the *Hobart Marine Board*) within the limits defined in Section Seven :
- 25 To dredge, alter, fill up, or remove any rocks, banks, and cavities, and in any way to deal with the present harbour formation as they may think proper :
- To lay down moorings, buoys, and other appliances for the use of vessels :
- 30 To construct (the) railways (harbour, and other works) and roads (authorised by this Act) [within the limits described in Section Four] :
- To construct dams or weirs on any stream and to form and maintain aqueducts wherever necessary in connection with [such railways and roads] (the Company's works) :
- 35 To make drains or conduits into, through, or under any lands adjoining the Company's works for the purpose of carrying water to or away from the said works :
- 40 (To draw water from any stream or river in the vicinity of the Company's works, at such elevation as may be necessary to secure a fall into any tanks by natural gravitation :) :
- To erect and construct such houses, warehouses, goods, sheds, stations, offices, and other buildings, wharves, yards, engines, machinery, apparatus, and such other works and conveniences as the Company may think proper :
- 45 To alter, repair, or discontinue from time to time the before-mentioned works, or any of them, and to substitute others in their stead :
- 50



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To do all other acts necessary for making, maintaining, repairing, altering, and using the said works :  
 Provided always, that the Company shall make full compensation to all persons who shall suffer any loss or damage, or whose property or rights shall be prejudicially affected by the exercise of any of the 5 foregoing powers or privileges of the Company.

Materials may be taken from certain waste lands of the Crown.



**14** It shall be lawful for the Company from time to time, for the construction, maintenance, and repair of the [said] (Company's) works, to fell and carry away timber, and dig and use clay, stone, and other materials, upon and from any convenient part of the waste lands of 10 the Crown (in the vicinity of the Company's works) not being a public highway [and within the area reserved,] and to place and deposit upon any convenient part of such lands any timber, clay, stone, rubbish, waste, and ballasting as they may think fit, free of charge, [within the so reserved area.] 15

Materials.

**15** For the purpose of constructing, maintaining, repairing, and using the said works, the Company may, after Fourteen days' notice in writing to the owner or occupier, enter upon any uncultivated land, and may fell, carry away, and use any indigenous timber lying upon such land, except where the same is used for ornament or 20 shelter to any dwelling-house ; and may also dig, quarry, carry away, and use clay, gravel, stone, or other material, and may place and deposit upon any such land any materials or waste : Provided, that full compensation for the taking of any such materials, or for the depositing of such materials or waste, as in this Section mentioned, 25 shall be made to all parties interested in such land for the damage thereby sustained.



**(D)** The Company may from time to time fell and remove all timber which, in their opinion, it may be necessary to remove for the safe working of the said railway : Provided that full compensation shall 30 be made to all parties interested in such timber.)

Company may carry passengers and goods on railway.



**16** It shall be lawful for the Company to use and employ locomotives, engines, or other motive power, and carriages, waggons, and trucks to be drawn or propelled thereby, and to carry or convey upon the railway all such passengers and goods as shall be offered 35 them for that purpose, and to make reasonable charges in respect thereof as they may from time to time be entitled to levy under the [regulations] (By-laws) hereinafter mentioned.

(Rates and tolls.)



**(E)** It shall be lawful for the Company from time to time to demand, take, collect, levy, and make such reasonable tolls, rates, fares, 40 and charges for the carriage and conveyance of passengers, goods, and merchandize over and along the said Railway, and such tolls, dues, and charges for the use of the Harbour works as may from time to time be fixed by any By-law to be made as hereinafter mentioned ; but such tolls, dues, rates, fares, and charges shall be subject to the approval of 45 the Governor in Council.)

(Rates and tolls may be recovered.)



**(F)** In case default is made in payment of any money due and payable in respect of any such tolls, dues, rates, fares, and charges under the authority of this Act, or of any By-law made thereunder, the same may be recovered by the Company in a summary way before any 50 Justice of the Peace ; and it shall be lawful for the Company to detain the goods and merchandise in respect of which such money shall be payable until the same shall have been fully paid and satisfied ; and also if such goods or merchandise have been detained during a period of not less than Six months, to sell the same or so much thereof as 55

may be necessary by public auction to be duly advertised, and to apply the proceeds in or towards satisfying the money so due and payable.)

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

Company to have same privileges as common carriers.

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

Line to be open for general traffic.

19 The Company shall, free of charge, and with all reasonable despatch, carry, on the Public Service, all such mails, together with the officers in charge thereof, as the Minister in charge of the Post Office Department shall from time to time require to be conveyed upon the railway, and shall allow to all Members of the Parliament of Tasmania the same privilege of travelling free of charge over the railway as are enjoyed by such Members on Government railways.

Company to carry mails and Members of Parliament.

20 It shall be lawful for the said Company, from time to time, to make By-laws for regulating their affairs and the management of the railway, harbour, and mining works, buildings, aqueducts, and other works connected therewith, and for (further) fixing the harbour, pier, lighterage, wharfage, and pilot dues, and the charges for the conveyance of passengers, goods, and traffic on the railway, as they may think fit, (and the manner in which the same may be demanded and taken) and for all other purposes which are usually comprised in the By-laws of any railway, harbour, waterworks, or mining Company; and it shall be lawful for the said Company to repeal, alter, or amend any such By-laws from time to time: Provided that if such By-laws shall affect other persons than their own officers, servants, or contractors, they shall be subject to the approval of the Governor in Council, and be published as hereinafter provided.

Company may make By-laws subject to approval of Governor in Council.



21 Subject to such By-laws, the Company shall have the sole control of the [railway and aqueducts, and of the harbour, anchorage, wharves,] (Company's works,) and all other of their works and acts connected with them, without the interference of the Government or local authorities, except as herein provided; and the Company shall appoint the necessary officers for the protection and management of the Company's property and interests.

Company to have sole control of all works, &c., subject to By-laws.

22 The Company, by and through the By-laws so to be made by them, may, subject to the approval of the Governor in Council, impose such reasonable penalties as they may think fit not exceeding Ten Pounds for each breach of such by-law, or any of them. All such by-laws (except those which) relat(e)[ing] [to other persons than] (exclusively to) the officers, servants, and contractors employed on the [said railway, harbour, mining; and other] (Company's) works, or in connection therewith, [not being tables of the charges for the conveyance of passengers, goods, and other things on the railway,] shall be published in the *Gazette*, and all such by-laws shall be legibly printed and exhibited in some conspicuous place in the principal office of the Company, and those applying to each at the harbour and railway stations respectively, and be open to inspection without charge; and in case any person wilfully obliterates any of the letters or figures thereon, or wilfully prevents the same from being inspected at any

Penalties may be imposed under By-laws.



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reasonable time, he shall for every such offence be liable to a penalty not exceeding Five Pounds. (And *prima facie* evidence of any such By-laws may be given in all Courts of Justice and in all legal proceedings whatsoever by the production of a copy of the *Gazette* purporting to contain any such By-laws.)

5.

By-laws to be binding.

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

By-laws admitted as evidence.

**24** The production of a copy of the said By-laws, purporting to have been made as aforesaid, shall, in all proceedings against the officers and servants of the said Company, be accepted as proof thereof in any Court of Law or Equity.

Offences to be tried in summary way.

**25** All offences against this Act, or any By-law made in pursuance thereof shall be heard and determined, and all orders shall be made, and all penalties and sums of money imposed and made payable by this Act, and by any such By-law, shall be recovered in a summary way in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties received by virtue of any such By-law shall be paid to the Treasurer of *Tasmania*, and form part of the Consolidated Revenue Fund.

20.

Appeal.

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

25.

19 Vict. No. 8.

By-laws to be laid before Parliament.

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

Crossings and accommodation works.



**28** The Company shall provide proper crossings where public roads are intersected by their [lines of] railway or aqueducts; and where such [lines of] railway or aqueducts passes through private land reasonable accommodation shall be provided for the owner or occupier, or compensation for severance shall be paid.

Accommodation works to be settled by Engineer-in-Chief in case of dispute.



**29** If any difference shall arise respecting the kind and number of any such accommodation works or the dimensions or sufficiency of them, or respecting the maintenance thereof, the same shall be determined by the Engineer-in-Chief (or an Officer appointed by him,) who shall also appoint the time within which such works shall be commenced and executed by the Company.

40.

Limit of accommodation works.

**30** The Company shall not be compelled to make any further or additional accommodation works after Two years from the completion of the work on which such works may be desired.

#### Compensation.

How compensation is to be estimated.

**31** Whenever by this Act compensation is directed to be made by the Company to any person whose interests are affected by the exercise of the powers hereby conferred, such compensation shall be settled by arbitration in the mode specified by *The Lands Clauses Act* in cases of disputed compensation. In estimating the amount of compensation for severance or otherwise to be paid to any person for or in respect of land or material taken or used for the purposes of the said works, the arbitrators or umpire shall take into consideration the benefit that is likely to accrue to the person to whom such land or material belongs by reason of the construction of such works through the land affected, and the arbitrators or umpire, in awarding compensation to be paid for or in respect of such land or material, shall make such deduction for such benefit as shall be deemed just; and in case it appears to the arbitrators

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or umpire that the benefit likely to accrue to the person on or through whose land the works are about to be made is equal to or greater than the loss he will sustain by reason of the taking or using of his land or material for such works, the arbitrators or umpire shall award  
 5 that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid. A.D. 1891.

**32** In any case where land or material is required for the purpose of the said works, if the Company, before any steps are taken under *The Lands Clauses Act*, tenders to the person entitled to receive the  
 10 same compensation for severance or otherwise for such land or material, then if such person refuses to accept the same and to convey the land so required, or to permit the same to be used or material taken, as the case may be, and a reference to arbitrators takes place under *The Lands Clauses Act*, and the arbitrators or umpire award a sum not exceeding  
 15 the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person; and such payment may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person. If award less than tender made by Company, costs to be awarded.


**33** If any person shall wilfully interfere with, move, alter, or  
 20 damage any poles, stakes, marks, or instruments used by the Company or their agents, servants, or workmen, for the purpose of surveying or marking out the position of such works, or otherwise in connection therewith, or if any person shall wilfully do or commit any damage or injury or any nuisance to or upon the said works, such person shall,  
 25 for every such offence, forfeit and pay to the Company a sum not exceeding Twenty Pounds over and above the damage, injury, or nuisance caused thereto. Persons wilfully moving any marks used by Company.

**34** Subject to the provisions of this Act and to the rights of the Government, it shall be lawful for the Company to lease the railway or  
 30 any part thereof to any person willing to accept the same, at such rate and for such term (not exceeding Fourteen years) as shall be agreed upon; and the lease to be executed shall contain all usual and proper covenants on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair  
 35 and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature: Provided always that no such lease shall contain any authority to make or be construed to  
 40 authorise any assignment, transfer, or under-lease of the said railway or demised premises, or any part thereof, without the assent of the said Company in writing to such assignment, transfer, or under-lease. Company may lease their railways to any person.

**35** Such lease shall entitle the lessee to whom the same shall be granted to the free use of the railway or portion of the railway com-  
 45 prised therein, and during the continuance of such lease all the powers and privileges granted to, and which might otherwise be exercised and enjoyed by the Company by virtue of this Act with regard to the possession, enjoyment, and management of the said railway, or the part thereof comprised in such lease, and the tolls to be taken thereon,  
 50 shall be exercised and enjoyed by the lessee and the officers and servants of such lessee under the same regulations and instructions as are by this Act imposed on the Company; and such lessee shall, with  
 [Private.] Such lessee shall be entitled to all the privileges of the Company.

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respect to the railway comprised in such lease, be subject to all the obligations imposed on the Company by this Act.

 (G) It shall be lawful for the Company from time to time to let all or any of the said tolls, dues, rates, fares, and charges, and during the continuance of such letting the person to whom the same shall be let, 5 or the persons or person by him appointed, are hereby empowered to demand, levy, and take the said tolls, dues, rates, fares, and charges, and shall have the like remedies and rights, and be subject to the like liabilities in respect of the same, as the said Company would have been empowered, or would have had, and would have been subject to, but 10 for such letting.)

Power to sell and convey property, rights, &c.



**36**—(1.) It shall be lawful for the Company at any time to sell and dispose of all their property, right, title, and interest in [the railway and harbour works,] (all or any portion of the Company's works) and in all lands held by them, whether under lease or in fee 15 simple, and all rights, powers, privileges, benefits, concessions, and advantages conferred upon them by this Act, and by deed or instrument in writing to convey, assign, and transfer the same to any person or persons or duly incorporated Company ; and upon such conveyance, assignment, or transfer being signed or executed, the person or persons 20 or incorporated Company in whose favour such conveyance, assignment, or transfer is made shall then stand in the place of the Company, and shall have and hold all the rights, powers, privileges, benefits, concessions, and advantages, and be subject to all the liabilities conferred and imposed upon the Company by this Act. 25



(2.) If the Company should at any time convey, assign, or transfer their property, right, title, and interest in the [railway and harbour] (Company's) works, (or any portion thereof,) and in lands held by them, and the rights, powers, privileges, benefits, concessions, and advantages conferred upon them by this Act, to any Company formed 30 or incorporated elsewhere than in *Tasmania* (and which is not registered in *Tasmania*) under *The Companies Act*, 1869, then such Company before beginning to construct the said railway, harbour, or other works, or start in business, or to work the said railway and coal mines, shall register with the Registrar of Companies under the said Act the 35 name and place of abode or business of the person appointed by such Company to carry on the business of the Company in *Tasmania*, and also the situation of the office of such Company, and the person so registered shall be deemed to be the agent of such Company, and such office shall for all purposes be the registered office of such Company. 40

(3.) Upon such registration such Company may sue and be sued in its corporate name in *Tasmania*, and the liability of and proceedings against such Company shall be in the same manner as if such Company had been duly registered in *Tasmania* under the provisions of *The Companies Act*, 1869. 45

(4.) Sections Forty-three, Forty-four, Forty-five, and Forty-six of *The Companies Act*, 1869, shall be incorporated with this Act, and shall apply to such Company aforesaid in the same manner and to the like effect as if such Company had been duly registered under the said Act. 50

(Superfluous lands how to be dealt with.)

**37** Inasmuch as by means of the purchases which the Company are empowered by this Act to make, they may be seised or possessed of more lands than will be necessary for the purposes of the Company,

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or of land not suitable for such purposes, it shall be lawful for the Company at any time after or before the completion of the railway, to contract for and sell, either by public auction or private contract, and on such terms as they may think fit, and to convey to the purchasers thereof, any superfluous land or any part thereof, or any estate or interest purchased by the Company in such land or any part thereof, in such manner as they shall think fit, and such contracts, sales, and conveyances from the Company shall be valid and effectual to all intents and purposes : Provided always that the Company, before disposing of any such superfluous land, shall first make an offer in writing of the same to the person whose land shall immediately adjoin the land so proposed to be sold, such person being at the time when the said land is to be sold in *Tasmania* and his residence known to the Manager of the Company, and he being capable of entering into a valid contract for the purchase of such land ; and such person, in the event of his being desirous of purchasing the same, shall signify his desire and intention in that behalf in writing within Fourteen days after such offer of sale shall have been made, such time to commence from the date when the notice was delivered to him or posted for him at his usual or last known place of abode in *Tasmania*. And in case any such person shall not avail himself of such offer, or shall neglect to signify to the Manager of the Company his desire and intention to purchase such land for the space of Fourteen days, the right of pre-emption of every such person in such land so included in such offer of sale shall cease ; and a declaration pursuant to *The Statutory Declarations Act*, 1837, made before any Justice of the Peace, stating that at the time when such land shall have been sold the person entitled to such right of pre-emption was not in *Tasmania*, was not to be found, or was not capable of entering into a contract for the purchase of such land, or that such offer was made by or on behalf of the Company and that such offer was refused, or was not accepted by the person to whom the same was made within Fourteen days from the time when the same was made, shall in all Courts whatsoever be sufficient and conclusive proof of the facts therein stated ; and in any case any such person as last aforesaid shall be desirous of purchasing any such superfluous land and he and the Company cannot agree as to the price thereof, such price shall be ascertained and settled by arbitration in the mode prescribed by *The Lands Clauses Act*, and the money arising from such sale shall be applied to the purposes of the Company as they may think best. And all conveyances and transfers which shall be made by the Company pursuant to the authority of this Act shall be sufficient to vest in the purchaser all such estate and interest as shall have been sold, or shall be expressed, or intended to be conveyed and granted by such conveyance.

**38** If any vessel be sunk or stranded in the harbour of which the Company may seize any sunk or stranded vessel in the harbour or along the coast under their control. control is given to the Company by this Act, so as in the judgment of the Company to be a danger or hindrance to the navigation, the Company may give notice to the master, owner, or agent of the vessel so sunk or stranded to remove the same forthwith, and in the event of any reasonable steps not being taken to comply with such notice within Twenty-four hours after service thereof, then it shall be lawful for the Company to forthwith seize and attach such vessel and any goods therein until reasonable security shall be given to the satisfaction of the Company for the due removal of such vessel or goods ; and if the owner, master, or agent shall not provide such security, or shall not remove or take away such sunk or stranded vessel or the wreck thereof within such time as the Company shall in writing require, the Company may then raise, destroy, remove, or take away such wreck of any vessel that shall be sunk or stranded and be in their judgment an obstruction to the safe and convenient navigation and use of the port or

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the approaches thereto; and in case the owner, master, or agent of any such vessel or obstruction shall refuse or neglect to pay the charge of raising, destroying, removing, or taking away such vessel, wreck, or goods for the space of Three days after demand, or in case any such master, owner, or agent cannot be found, then the Company may sell 5 such vessel or goods, and out of the proceeds of such sale retain the expense incurred in raising, destroying, or removing such vessel, wreck, or goods, and the charges of sale, rendering the overplus to the person entitled to the same: Provided that, in the event of any dispute arising between the owner, master, or agent, and the Company, such 10 dispute shall be referred to the Minister of Lands to determine.

Sums to be expended by the Company.

**39** The Company shall expend upon the works mentioned in Section Thirteen during the first Eighteen months after the passing of this Act the sum of Three thousand pounds (£3000), and the sum of Six thousand pounds (£6000) per annum during the following Two years, 15 such expenditure to be certified to by the Auditor-General as being in accordance with the provisions of this Act: Provided also that should the Company neglect or fail to expend such sums within the time named, or should the works be declared by the Minister to have been suspended for Twelve months at any subsequent period, the concessions 20 and privileges given by this Act shall be forfeited, together with all harbour works, railways, tunnels, buildings, and other improvements thereon, which shall become the property of the Government, and this Act, so far as it relates to the persons hereby authorised, shall be null and void: Provided, however, that the Governor in Council may, after 25 such forfeiture, grant similar privileges and concessions, or a modification thereof, to other persons, subject to the approval of both Houses of Parliament.

Disputes to be settled by arbitration.  
33 Vict. No. 22.

**40** Should any difference or dispute arise between the Government and the Company concerning the matters dealt with in this Act, it 30 shall be settled by arbitration as directed by *The Companies Act*, 1869.