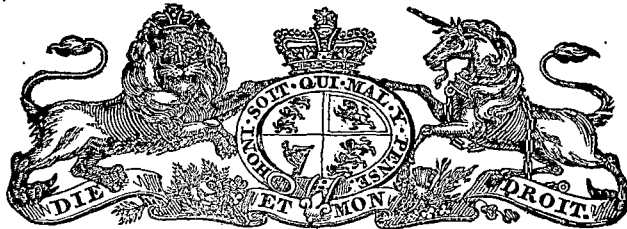


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1878.

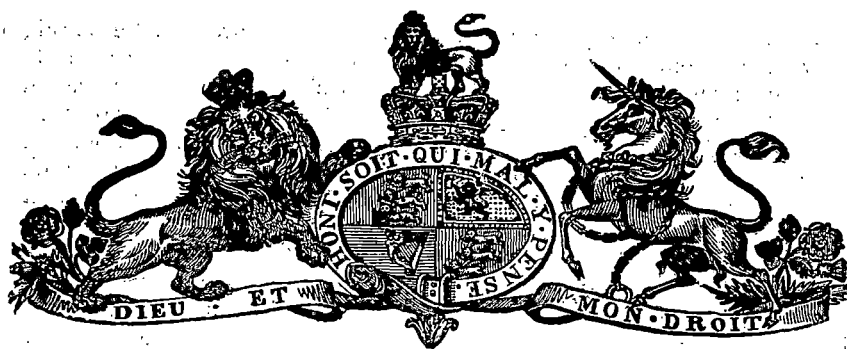
T A S M A N I A.

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

**GREAT WESTERN AND CORINNA TIN
MINING COMPANIES:**

PAPERS AND CORRESPONDENCE.

Laid upon the Table by the Minister of Lands, August 29, 1878; and ordered by
the House to be printed.



New Norfolk, 21st February, 1878.

SIR,

I HAVE to inform you that when I left the vicinity of Mount Heemskirk on the 7th inst. tin ore was being removed from the section of land selected by and surveyed for my brother, Mr. Jno. A. Moore. The men working were in charge of Mr. Donnelly, to whom I gave a written notice cautioning him of wrong-doing; and as I have reason to believe the same unlawful work is being continued, I have to request that you will cause any tin coming from the West Coast to be seized by the Crown Bailiff until such time as its ownership can be established.

I have, &c.

T. B. MOORE.

The Hon. the Minister of Lands and Works.

TELEGRAM.

Lands and Works Office, 30th May, 1878.

It is reported to me that tin is being removed from West Coast, and will arrive in Launceston per *Evelyn* or *Rubicon*: make enquiry, and if satisfied that proof can be obtained that any tin arriving has been brought from West Coast, give instructions to seize it. No tin from West Coast can be legally removed, because no leases are yet executed.

NICHOLAS J. BROWN.

BERNARD SHAW, *Esq., Commissioner of Mines, Launceston.*

Launceston, 4th June, 1878.

MY DEAR SIR,

THE *Starling* is reported from Low Heads arrived from the *Pieman*; landed six passengers last night and proceeded to Hobart Town. You had better have a Crown Lands Bailiff on the look-out for tin on board. I find the *Rubicon* went direct to Melbourne from the *Pieman*. The *Evelyn* is at Torquay. I gave the Crown Lands Bailiff there, Mr. Driscoll, instructions to seize any tin she had on board.

Yours, &c.

H. J. HULL, *Esq.*

BERNARD SHAW.

MEMO.

THE *Starling*, from the *Pieman* and Macquarie Harbour, is supposed to have a cargo of tin on board from the West Coast.

Will the Bailiff of Crown Lands be good enough to take immediate action to ascertain this fact; and should such be the case, to report to the Honorable the Minister of Lands and Works without delay.

H. J. HULL, *Deputy Commissioner of Crown Lands.*
June 5, 1878.

Mr. H. G. QUODLING, *Bailiff of Crown Lands, Hobart Town.*

DEPUTATION received by Minister of Lands and Works, 7th June, 1878.

Mr. Corrie, Mr. Ferguson, Mr. M'Ardeil, Mr. Currie.

George F. Lovett present.

MR. Corrie would at once state the motive for waiting upon the Minister of Lands on behalf of the Great Western Company, who had a party of miners on the West Coast under Mr. Donnelly.

Had sent instructions to Mr. Donnolly not on any account to remove any tin he might get out, as they (the Great Western Company) had been warned by the Commissioner not to remove any. Those instructions unfortunately had never reached Mr. Donnolly, and he had removed and stored the tin at Macquarie Harbour, and shipped it in the ketch *Starling*, now on her way to Hobart Town. Really did not know what extent of tin ore or chromate of iron was on board, but had waited upon the Minister of Lands to assure him that there was no disposition to act in a clandestine manner, and would agree to store the tin or iron, whichever it might turn out to be, until a decision was arrived at by the Commissioner in the dispute *Great Western v. Corinna Companies*.

Minister of Lands in reply.—Need not assure them that he was perfectly satisfied that there was no intention on their part to act illegally. He had given instructions some weeks ago to seize any tin that might arrive from the West Coast, because as yet no leases had issued; he was compelled, under the “Mineral Lands Act,” to stop the removal of tin. Seeing, however, that the dispute would in all probability be settled to-morrow, or next day, and as the vessel had not yet arrived, he did not consider it necessary to go further in the matter than to get their assurance that any tin arriving, consigned to the Great Western Company, would be disposed of in such manner as the Commissioner of Mines might order in dealing with the case in dispute. In that way they would not evade the law.

Deputation promised that the tin should be held at the disposal of the Government, and withdrew.

Minister of Lands' Proposal, submitted to each Representative of the Great Western and Corinna Companies.

WE, the undersigned legal managers of the Great Western and Corinna Tin Mining Companies respectively, with the consent of the Commissioner of Crown Lands, agree to the appointment of _____ to value the minerals removed from a claim on the West Coast in dispute between the said Companies, and now awarded by the Commissioner of Mines to the Corinna Company, a portion of the said minerals having already been conveyed to Hobart Town by the ketch *Starling*. And it is hereby further agreed by us, as representatives of the said companies, that one-third share of the value of such minerals shall be paid to the Corinna Company, and two-thirds share of the value of such minerals shall be paid to the Great Western Company.

TELEGRAM.

9th July, 1878.

SEND authority for “Crown Bailiff” to seize tin taken by Great Western Company from West Coast by telegram.

(Signed) N. J. B.

The Commissioner of Mines, Launceston.

TELEGRAM.

Forth, 10th July, 1878.

You are authorised to seize and detain tin removed by the Great Western Company from Crown land at the West Coast.

BERNARD SHAW, *Commissioner of Gold Fields.*

The Crown Lands Bailiff, Lands Office, Hobart Town.

TELEGRAM.

Forth, 10th July, 1878.

AUTHORITY telegraphed will be at Penguin Creek midday and Emu Bay this evening.

BERNARD SHAW, *Commissioner of Gold Fields.*

The Hon. Minister of Lands and Works, Hobart Town.

AUTHORITY insufficient: address fresh one to Mr. Quodling, Bailiff of Crown Lands, and sign Commissioner of Mines for Western District.

H. J. H.
10. 7. 78.

TELEGRAM.

Penguin, 10th July, 1878.

WHAT tin do you refer to? Where is it, and what quantity?

H. J. HULL.

B. SHAW.

TELEGRAM.

Penguin, 10th July, 1878.

HAVE telegraphed authority to Quodling. Why can he not seize under first part of section? Emu Bay this evening.

H. J. HULL.

B. SHAW.

Police Quarters, Lower Macquarie-street, 9th June, 1878.

SIR,

In compliance with instructions from the Deputy Commissioner of Crown Lands, I have the honor to inform you that the *Starling* arrived in port from the West Coast last night, and, as I am informed, has three and a half tons of tin on board which is to be discharged to-morrow morning.

I have, &c.

H. G. QUODLING, C.D.C., Hobart Town.

The Hon. Minister of Lands.

THE tin referred to (some 60 bags) has been seized alongside the *Starling*. Mr. Ferguson having signed a document agreeing to hold the tin, and to keep the same safely until the Commissioner of Crown Lands shall decide how the same shall be disposed of, I have, acting under instructions received from the Hon. the Minister of Lands, released the tin from the Crown Bailiff's custody, and handed it over to Mr. Ferguson.

GEORGE F. LOVETT.
10th June, 1878.

I, WILLIAM Ferguson, of Hobart Town, in Tasmania, legal manager of the Great Western Tin Mining Company, Registered, hereby agree to hold 60 bags of tin ore containing three tons or thereabouts, recently conveyed from the West Coast in the ketch *Starling*, and to keep the same safely until the Commissioner of Crown Lands shall decide how the same shall be disposed of; and I hereby undertake, upon demand, to deliver the same to the Commissioner of Crown Lands.

Witness—G. F. LOVETT.

WM. FERGUSON.

Dated this 10th day of June, 1878.

Hobart Town, Davey-street, 1st July, 1878.

Re GREAT WESTERN TIN MINING COMPANY.

SIR,

My co-directors have requested me to make one more appeal to you and to beg that you will have the goodness to submit the same to the other Members of the Executive Council, in the hope that when that honorable body are made acquainted with the facts of the case, and learn what the Great Western Company have done and suffered, they may be pleased to advise or authorise you to grant to said Company the tin ore, or rather tin mixture, which the Great Western have raised and prepared for market, as it constitutes the entire *available* product of the labour of 12 miners and two horses for six months, the greater portion of the time having been employed in cutting tracks and doing the necessary dead work detailed below, of which the mining community generally, and the Corinna Company in particular, will derive the benefit.

To set the matter clearly before the Executive, allow me to recapitulate what you have already patiently listened to:—

1st. That it is mainly, if not wholly, due to the discoveries made by the above-named Company, and to the publicity they gave to the analyses of the specimens of ore sent by them to the Ballarat School of Mines, that so great an impetus was given to prospecting operations beyond the Western Tier, and from which the Government must eventually derive a large increase to its revenue.

2nd. That their prospectors discovered the ground in question, cut tracks to the same from the Pieman River and Macquarie Harbour, built huts and erected stores at these places, from which other prospecting parties were also liberally supplied, and but for which prospecting operations could not have been prosecuted to any extent, nor the recent rich discoveries of tin made.

3rd. The Great Western Company's men opened up the ground, cut tail and head-races, constructed dams, and completed, at great expense, these and other necessary works on sections which they had discovered,—which they believed to be the Company's property, and against their occupation of which no protest was entered until they had been several weeks at work.

4th. Owing to the isolated and almost inaccessible position of the mines, speedy communication with Hobart Town was impossible; but immediately on receipt of intelligence from the mining manager respecting Mr. Moore's protest, the Directors laid the matter before the Minister of Lands, from whom they received every encouragement and assurance of support as the pioneers of mining in that portion of the Island.

5th. Of the seven or eight tons of tin mixture raised by the Company's men $2\frac{1}{2}$ tons were brought away without our knowledge; but as soon as the Directors heard that it was on board the *Starling* they at once communicated the fact to the Minister of Lands, thus showing that the Company have throughout acted in the most upright and liberal manner.

Now, considering that that quantity of ore, small as it is, has been raised from sections which even the Commissioner at the late trial confessed were *morally* the property of the Great Western Company; that the portion brought to Hobart Town had to be packed to Macquarie Harbour and thence shipped to this port at a cost of £10 or £11 per ton for transit alone; and considering also that other mining parties in similar circumstances and under the same mining Act as that under which the Great Western applied for their sections have been allowed the tin they raised from disputed ground, as, for instance, the ore the Government returned to Maum (although it was proved he had taken it from the Emu Company's ground), and the 30 tons the Globe abstracted from the Atlas Company's claim, despite the repeated prohibitions and threats from the then Government; and considering also that in the event of the Executive confiscating what the Great Western have raised at a heavy cost and under many hardships, such a course will form a precedent hitherto unknown in the mining history of Tasmania, and which the shareholders of the Great Western will be unable to regard otherwise than as an act of great severity towards themselves, we trust that honorable Members of the Executive will favourably consider our petition, and in the practice of their discretionary power grant us all the tin we have raised. In this hope we would respectfully beg the Executive to allow us the $2\frac{1}{2}$ tons brought to Hobart Town, and to sell to the Corinna Company, on our account, the 5 tons on the ground at £20 per ton, or allow us either to dispose of or remove the same.

I have the honor to be,
Your obedient Servant,

A. IRELAND.

To the Honorable the Minister of Lands and Works.

P.S.—The total sum expended by the Great Western amounts to £2700,—£800 on the first expedition, and the balance since.

Lands and Works Office, 2nd July, 1878.

SIR,

I AM directed by the Honorable the Minister of Lands and Works to inform you that, in accordance with the request contained in your letter of yesterday's date, he has submitted to his colleagues all the circumstances connected with the removal of the tin ore from the sections now held by the Corinna Company on the West Coast, and which were claimed by the Great Western Company. I have also to inform you that it has been decided, upon condition of your agreeing to renounce all claim for consideration in respect of the five tons of tin ore reported by you as now lying on the Corinna Company's ground, the Government will leave at your disposal the $2\frac{1}{2}$ tons of tin which have been brought to Hobart Town by your Company.

I trust that this arrangement will meet your views, and that your reply will finally dispose of a matter which, owing to a desire on the part of the Honorable the Minister of Lands to effect an equitable arrangement between the contending parties, has already occupied a disproportionate amount of his time and attention.

I have, &c.

GEORGE F. LOVETT, *Ministerial Clerk.*

Mr. ALEXANDER IRELAND, Davey-street, Hobart Town.

Hobart Town, Davey-street, 3rd July, 1878.

SIR,

I BEG to acknowledge the receipt of your Secretary's letter of 2nd instant informing me of the decision of honorable members of the Executive Council with reference to the ore raised by the

Great Western Tin Mining Company from certain sections of land near the West Coast, and in reply I am requested by my co-directors to express their unfeigned regret—(1) That, in their anxiety to protect the interests of the company they represent, they should have caused inconvenience by encroaching so much on your time and attention; (2) that the decision of the Executive is so unfavourable to the interests of the Great Western Company; and (3) that they cannot accept the compromise tendered by the Executive, viz. 2½ tons or one-third of the whole amount.

Further, my co-directors having failed, despite all their efforts, to secure for the Great Western that consideration from Government to which they believed the company justly entitled, have finally determined to allow the whole of the proceeds of their six months' mining operations to be confiscated rather than agree to the conditions stipulated in your favour of the 2nd instant.

I have, &c.

A. IRELAND.

The Hon. the Minister of Lands and Works.

TELEGRAM.

Launceston, 15th July, 1878.

HAS the tin been seized? Where and when shall I adjudicate question of forfeiting under Section Seven?

B. SHAW.

H. J. HULL.

TIN has not been confiscated; merely seized and detained in store. No further action will be taken at present.

H. J. H.
16. 7. 78.

Lands Office, Hobart Town, 11th June, 1878.

SIR,

I HAVE the honor to return the applications of the Corinna Tin Mining Company, and the objection to the issue of leases thereunder entered by the Great Western Company, remitted by you to me under the provisions of "The Mineral Lands Act," and to inform you that, after an investigation on the 8th and 10th instant I dismissed the objection, and approved and confirmed the applications.

I have, &c.

BERNARD SHAW,
Commissioner of Mines.

The Hon. the Minister of Lands and Works.

LEASES to issue to Corinna Company accordingly.

NICHOLAS J. BROWN.
14. 6. 78.

APPLICATIONS of Corinna Company for three Leases objected to by the Great Western Company.

MR. SOLICITOR-GENERAL for the Corinna Company.

MR. HENRY DOBSON for Great Western Company.

SATURDAY, 8TH JUNE, 1878.

HENRY JOCELYN HULL sworn.

I am Deputy Commissioner of Crown Lands. I produce five applications put in by Messrs. J. A. Moore and Andrew for Sections at Mount Heemskirk. They were received 26th May, 1877. I cannot recollect what plan accompanied them, whether Scott's or Sprent's. I believe Mr. Wise took it away when this other was substituted for it. I do not recollect tearing it up; it is a thing I would not do. The plan produced was handed in by Mr. Wise to guide the office in charting the blocks. The five blocks were charted on 23rd July, 1877, from the plan produced. The applications of the Great Western Company were received 9th June; they were charted 22nd October, 1877.

Mr. Dobson.—Mr. Surveyor Sprent got his instructions from the charting from the plan produced. The surveys have therefore been made from information not contained in the application as first put in. It is impossible I can tell what was in the first plan. The numbers 1, 2, 3, 4, and 5 marked on the plan produced were not marked by any Officer in my Department; they were marked by Mr. Wise in the office in my presence. It was at that time one was substituted for the other. I cannot say if the original plan was before me then; I think it was. I do not recollect Mr. Wise copying one from the other. The substitution of one plan for the other was done in my presence. I did not compare them to see if the second was correctly copied from the first. I do not think there is anyone in my Department who can say if the second plan was marked same as first. I hold in my hand the Great Western applications (fifteen). Most of them refer to a tracing. Your Sections were charted on 22nd October. On the 12th September the Chief Draughtsman reported he could not chart them for want of the tracing referred to in application. If the chart produced by Mr. Donnelly was handed in with the applications it should have been marked upon the charts in the office.

Solicitor-General.—They are Mr. Wise's figures on plan produced. He did put them on the plan. At the time the plan was substituted for the other I cannot say if the applications of the Great Western were in. I did not know at the time the Great Western Company were putting in a counter claim for the Corinna Company's land. I never saw Donnelly's plan produced before. I cannot say what plan was referred to in the Great Western Company's applications. They were not accompanied by a plan at all. Their plan was first finished on 23rd October. I wrote to the Manager on 12th September asking for the plan.

Commissioner.—I am not aware the plan was substituted for the other in order to make any alteration in it. I believe the Great Western Company's applications were in, but not their tracings, when the Corinna Company substituted one plan for another.

H. J. HULL.

Sworn before me at Hobart Town this 8th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*

THOMAS BATHER MOORE *sworn.*

I went with my brother on the ground. We arrived in the vicinity of Mount Heemskirk 5th April, 1877. The first plan upon which the five lots were marked was a plan of Mr. Scott's, not an official one, published before the plan of Scott's produced. It was the only accessible plan at that time. There were some sections near Mount Dundas we had moved, and they were marked on a plan of Mr. Scott's similar to that produced. Mr. Wise brought a plan to me from the Lands Office and asked me to mark the position of the Mount Heemskirk lots. I drew a circle round where they were. The circle drawn on the plan produced takes in more ground than I marked, but is in the same place. If the wooded hill and the river are correctly shown on the plan, the ground we wanted is correctly shown. I cannot say the creek and hill are correctly given on Scott's plan. In substituting the one plan for the other there was no intention whatever of altering the land we applied for. The intention was to take up the land we prospected. We first prospected in 1877, I and my brother. It was on 5th April we arrived in vicinity of Mount Heemskirk. We arrived on the ground where the five lots are on 19th April. It is all open country. We prospected two creeks. We prospected three sections, those now surveyed for John A. Moore, T. B. Moore, and R. C. Read. We sank holes on all those sections; and from the section T. B. Moore the sights were taken to Mounts Heemskirk and Livingstone and the Parson's Hood. This year I erected a peg at the place where the sights were taken from. We were on the ground twice after. We prospected four creeks altogether. The first spot we camped on was that in my name. It was about the 4th or 5th of May that we prospected the section in the name of J. A. Moore, Senior. The two others, those in the names of John A. Moore, Jun., and myself, we prospected when we first arrived on the ground on the 19th April. The sections in the name of Andrew and Read were prospected on the 19th April and afterwards. We sank holes upon the ground and found payable tin. We satisfied ourselves as to the value of the sections. We also were satisfied as to the value of the land we prospected in May. While prospecting the sections in April we found no holes sunk by any other persons. We met Donnelly first on the east side of Mount Heemskirk before we prospected the disputed sections. Our applications for those sections was not consequent upon anything we had learned from Donnelly. After determining to take up these sections we had to return to our depôt for rations, and met Donnelly on the 27th April. I went to his camp near our depôt. It was about twelve miles by track to the disputed sections,—about seven miles in a straight line. On the 28th April we started for the ground again, and overtook Donnelly. He said nothing about the disputed sections. Afterwards we met him on the ground on 1st May; it was near the boundary of John A. Moore's section and mine. We travelled with him towards the coast to Donnelly's Look-out on 1st May. Donnelly said he had found nothing worth taking up. We parted with Donnelly on 2nd May. Up to that time I knew nothing of his having any claim to any of these sections. After we had prospected the sections on 4th and 5th May we started for Hobart Town to take up the sections. Donnelly began slaicing on J. A. Moore, Jun.'s section on the 25th January last. Mr. Sprent began his survey of our claims on 26th January. As soon as the surveys were completed I gave Donnelly notice that I should hold him liable for any damage done on the section. On the 9th April last I asked Donnelly how many sections he disputed? He said only one, that was the one he was working.

Mr. Dobson.—I do not remember seeing Mr. Ferguson before these sections were taken up. I used one of Mr. Donnelly's tracks for about 1½ miles. I cannot say if Mr. Donnelly was on the ground before us. I never knew him to be there before 1st May. I cannot say whether he had been there or not. We travelled on his track for 1½ miles before we prospected the sections. It led close to the sections on to the open country. The first hole we dug was rich enough to induce us to take up the land. I told Mr. Donnelly I had been prospecting in one of his holes and found gold. It was not on one of the disputed lots.

Commissioner.—I was present helping Mr. Sprent when the surveys were made, and I have been all over the three sections now disputed. I positively say they are the same ground prospected and applied for by us in April and May, 1877. We left the ground early in May with the intention of taking it up, and when we reached Hobart Town we applied for it. The applications were intended for those sections. We had only prospected that ground in that part, and we never intended our applications to apply to any other ground than that surveyed for us.

T. B. MOORE.

Sworn before me at Hobart Town this 8th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*

FREDERICK HENRY WISE *sworn.*

I am a member of the Corinna Company; I became so in June, 1877. I went to the Survey Office with Messrs. Moore. The plan now produced was shown us as Mr. Scott's new plan. We altered the position of certain sections applied for—not those now in dispute—and marked them on the plan. I subsequently had a conversation with Mr. Hull. He said Mr. Scott's plan was recognised by the Department, and it would be better to define the five sections in the vicinity of Mount Heemskirk upon it. Mr. Hull furnished me with one. I showed it to Messrs. Moore. They showed me the position of the claims, and I took it to Mr. Hull; and at his request I marked them on the same place on the map produced. I told Mr. Hull as the creeks were not marked on the map we could not define it exactly. I put the dotted line round and said the lots were somewhere in there. Mr. Hull said to save confusion he would pin the map to the applications; and I believe he threw the other plan away. Mr. Hull tore up some papers; I could not say if the plan was amongst them. There was no intentional alteration in the position of the land shown on the old plan and this one produced. Mr. Hull said he could not understand the position of the lots on the old plan, and at his request they were marked on the new. I believe it was some time in July, 1877, the substitution was made.

Mr. Dobson.—Mr. Moore did not mark 1, 2, 3, 4, and 5 on the plan Mr. Hull gave me. He made some mark. I did not know upon what scale the plan was. The figures on the plan 1 and 2 are to the north of the others. It was not understood that these sections were to be north of the others. 4 and 5 are east and south of 1 and 2. It was not understood they were so wanted. No. 3 is to the south of all the others, but it was not understood the lot was to be so as far as I was aware. The figures are so marked in the plan that any sections there could be taken up under them, but it was intended to take up the sections Mr. Moore had prospected. I have no idea how far the figures No. 1 and the most eastern one are apart by the scale of the plan. The lots were not in one block. Some of them were to adjoin. I cannot say positively.

Sworn before me at Hobart Town this 8th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*

JOHN ANTHONY MOORE, JUNIOR, *sworn.*

I made four applications for sections for self and others for land near Mount Heemskirk on 26th May, 1877. They were Nos. 1, 2, 3, and 5 produced. The other was applied for by James Andrew same day in my presence. He was one of our party. Mount Heemskirk was the only mountain known. We took sights with the compass. Mount Heemskirk bore south by west. We could not give a more accurate verbal description. The lithograph plan was one of James Reid Scott's. The plan produced is not the plan I charted on. It was an issue of Mr. Scott's map the year before. I used a protractor. The plan produced is the original one which accompanied my applications in May, 1877.

Commissioner.—I was with my brother in April, 1877, when we prospected the ground. We were there on 19th April, and we prospected four or five days. We prospected a good extent of country and three creeks. We determined to apply for five lots in that particular part. I put in four of the applications; all but James Andrew's. They were intended for the land we had prospected. We prospected other land in that neighbourhood. We were there on three separate occasions. I have not been on the ground since 5th or 6th May last year. I cannot say from my own knowledge that the ground surveyed for us is the ground we prospected, but I judge it is by the creeks and other marks on the plan.

JNO. A. MOORE, JR.

Sworn before me at Hobart Town this 10th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*

HENRY JOCELYN HULL *recalled.*

I produce the original plan which accompanied the application of Messrs. Moore and Andrew. I have compared it with the substituted plan. There does not appear to be much difference in the position of the charted sections. The plans are not on the same scale. Practically there is no material difference in the position of the lots.

Mr. Dobson.—The plan produced is that attached to the original application. No doubt of it. It was not at my instance the other plan was substituted so far as I remember.

Commissioner.—The substituted plan was of a more recent date, and was recognised as more accurate in the Department.

H. J. HULL.

Sworn before me this 10th June, 1878, at Hobart Town.

BERNARD SHAW, *Commissioner of Mines.*

THOMAS BATHER MOORE *recalled.*

(Compares two plans, original and substituted.) The position of the two lots of sections marked on the two plans are the same, making allowance for the difference in scale and inaccuracy of the original plan.

The wooded hill I spoke of is not shown in the original. The only alteration made in the substituted plan was of the Mount Dundas lots.

T. B. MOORE.

Sworn before me at Hobart Town this 10th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*

CHARLES JOHN DONNOLLY *sworn.*

I am the prospector for the Great Western Company, and mining manager. I reached the Pieman in January, 1877. I know thoroughly by personal inspection the land in dispute. I have prospected the three sections in dispute and all the land in the vicinity. I commenced 1st March, 1877. I cut a track through these sections. I met the Messrs. Moore on 16th April first. They were camped on the east side of Mount Heemskirk. I had prospected these sections prior to 16th April. Myself and Quinn prospected on the creek in dispute for one week. I met the Messrs. Moore the second time on the 1st May. They were smoking under one of our direction pegs waiting for us to come up. We were going down our track home. One of them asked us to allow them to follow us to get on the west side of Mount Heemskirk. The Messrs. Moore had not to my knowledge prospected any of the sections in dispute prior to 1st May. The ground was so scrubby that we had to cut a track in parts to get to the ground in dispute. Between 1st March and 1st May I only saw where some one had been camped about 1½ miles from the land. That was the only sign of prospecting I saw. I do not recollect the conversation with Mr. Moore in town. He said he did not think he would interfere with us. The tracing produced is made by me. I was one of the number that went to the Lands Office with the 15 applications. The tracing is that to which the applications refer. I did not leave the tracing at the office for fear others should take up land and cut us out. I saw Mr. Searl at the office. He dotted down the sections in red ink on my plan, and then they were copied on to another plan. It was done in the office. It was done on the plan produced, and then I wrote the words across "all those sections intersected by our track, and on creeks or gullies." I cannot swear the figures were done by anyone in the Lands Office by my direction, it is such a long time. Mr. Searl said what I had done in showing my plan was quite sufficient. This was not done on the day the applications were put in (9th June) but within a fortnight after, I mean my own plan. The second one was marked within a short time after. I cannot say the date.

I have re-examined the two plans—the original and substituted one—put in by the Messrs. Moore, and the Surveyor's plan of the Lots surveyed. Some of the lots are surveyed as shown on the Messrs. Moore's second plan. On the original plan it would be impossible for a prospector to define ground within eight or nine miles without he took the trouble to make a tracing of the country as I did. I should say the lots are marked the same on the substituted plan as on the original as nearly as possible.

Mr. Adams.—We marked a track through all five sections. We cut a track through one of the three sections in dispute through heavy timber. It is the one we were working. The creek runs through five sections, two of those opposed by the Great Western Company. We prospected the disputed sections in March. We "potholed" the creeks and bottomed them. Showed some prospects to Mr. J. R. Scott. The object of the Messrs. Moore in asking me to allow them to follow our track was to enable them to get to Meredith's ground. I told Messrs. Moore I had not found anything payable. Our camp was on the creek which runs through J. A. Moore, Senior's, section as surveyed. We prospected it (Moore, Senior's) in March. It is about one and a half mile from the others. We were told at the Lands Office that my plan would be sufficient, but it was not left there. The tracing referred to in the applications as accompanying them was my tracing, which I took away. It was taken away so that no person should profit by the information it contained; and there was no plan in the Survey Office upon which we could mark the lots. I believe they were not marked on any plan in the office. I knew there was such a plan as Mr. Scott's original one, which was not correct. I did not mark them on that plan, as I could not do so correctly. I had no protractor. I cannot say any plan was furnished the Lands Office by which to chart the lots before 22nd October. I could have marked the position on Scott's plan as well as the Moore's did. I would have put them down in the same vicinity as Moore's. I did not use Scott's plan because it was not correct. When I put in our applications on 9th June I knew the Moore's had put in applications. We asked to see Moore's plan. We did not see it. No plans were allowed to be shown in the office.

Mr. Dobson.—The sections were marked on the plan (Scott's) in the office. I cannot say when. It was after that Mr. Searl told me there was sufficient done to secure the land.

Commissioner.—I was on the disputed land on 20th April. Did not see the Moore's that day. We were three miles away on 19th April. On 4th and 5th May we were at Donnolly's look-out. I cannot say the Messrs. Moore were not prospecting the disputed ground on 19th April. I cannot say where they were on 4th and 5th May.

C. J. DONNOLLY.

Sworn before me at Hobart Town this 10th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*JOHN JOHNSTON *sworn.*

Mr. Dobson.—I am Secretary for the Great Western Company. I wrote out some of the applications. I was present when they were put in at the Lands Office. Mr. Donnolly produced his original tracing to Mr. Searl. Saw Mr. Searl make red marks on it, numbering the sections. I am under the impression he made the marks then; that was 9th June, 1877. I was not present when the plan with Mr. Donnolly's handwriting on was marked.

Mr. Adams.—To the best of my belief it was on 9th June Mr. Searl made the marks on Donnolly's plan. He did not mark the lots on any plan in the Lands Office because they were defective. I was not acquainted with Mr. Scott's plan at that time. The tracing referred to in the applications was Donnolly's. (Letter 12th September, 1877, of Deputy Commissioner read.) It was just before the 24th October the tracing was supplied the Lands Office.

Mr. Dobson.—I am not sure any tracing was supplied in October. It was upon the tracing shown on the 9th June the Department charted the sections, I believe. I cannot say of my own knowledge whether any plan was furnished. I was not there.

JOHN JOHNSTON.

Sworn before me at Hobart Town this 10th June, 1878.

BERNARD SHAW, *Commissioner of Mines.*