

(No. 124.)



1890.

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PARLIAMENT OF TASMANIA.

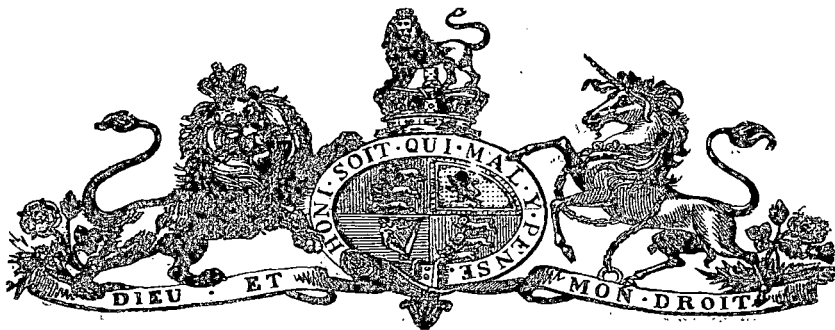
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ROAD ALONG THE EASTERN BOUNDARY OF  
THE QUEEN'S DOMAIN :

CORRESPONDENCE.

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Laid upon the Table by the Minister of Lands, August 13, 1889, and ordered  
by the House of Assembly to be printed, August 28, 1890.



*New Town, 30th August, 1886.*

DEAR SIR,

YOUR action in protecting the Domain from encroachment at the hands of the proprietors of Glebe Town properties has been so satisfactory to all interested in preserving it intact for general recreative purposes, and founded on such just principles of public policy, that I trust you will allow me to venture a hope that a rumour I have heard, to the effect that a Road is about to be allowed along part of the Glebe Town boundary, is incorrect.

I am aware that before such can be formally granted the sanction of Parliament must be obtained; but it would be a pity to relax the care your Department has hitherto exercised in restraining the efforts of those who would not scruple to despoil the public of a portion of this noble Reserve to aggrandise themselves. I take it that there is no evidence of a road ever having been allowed from the High School property northward. The presence of two well-grown willows close to the boundary of the properties which at one time formed part of an old Government garden, and which was sold long ago in allotments, disproves this, as well, I doubt not, the sale plans in the Survey Office. All the lots then sold by the Government had, I believe, a frontage on a street laid out through the middle of the property, and this of course rendered it unnecessary that a road should be taken out of the Domain,—a step that would, I venture to say, have never been proposed had the Trustees of the Presbyterian Glebe laid out their land on the same plan as adopted by the Government. Why, then, should the greed of a private body who have, in a suburban locality, introduced the evils arising from small allotments closely packed together, be rewarded by allowing the appropriation of a strip of public land just because they have had the audacity to attempt to seize a right of road over it? Allow the tactics they have pursued to be successful, and what is to prevent the whole of the remaining private frontages on the Domain, including as well the Trinity and Church of Rome Glebes (the latter having two frontages), and the properties of Messrs. Solomon and Moses at the northern end, being also augmented at the public expense, and some mile or two of roads abstracted from the already too restricted area of the Reserve? The same right (for it will become a right if a concession be once made) will apply to all localities where Public Reserves are bounded by private estates.

I need not, I am sure, urge any further reason against establishing such a precedent, but the particular instance under review presents some specially objectionable features. There is one property where a row of cottages has been so built upon an allotment (in this case having a frontage on a cross street) that not one of the four or five dwellings has any back entrance but from a narrow right-of-way leading from the Domain. On this right-of-way all the closets attached to the houses abut at a few feet distance from each other, and very close to the main buildings. If these closets be on the earth-pan system, as very likely they are, there is no way for removal of the contents but through the Domain.

This is a most glaring case, but it only shows what may be expected if once a street be allowed to be taken out of the Domain. The property is on Trinity Glebe, and, as I have already noted, the builder had not the excuse of some of the tenants on the adjoining Glebe that no other frontage has been given them by their landlords but on the Domain.

There is a hardship to these latter lessees, but their landlords should make good the deficiency, for they are bound to provide access to the land they lease. If, however, you are so far committed by any recent or former act of the Department to consider the question of this road, there is one suggestion I would with your permission make: let the road be leased to the Trustees of the Glebe at a proper rental so that the land may be resumed whenever the leases fall in; for on that event happening the freeholders will be able to re-arrange their frontages without cribbing from the

public. And, in view of the very poor show some of the buildings make, and also remembering what I have pointed out, the Trustees should also be required to pay the cost of a sufficient screen in the nature of a hedge or creeper covered fence, so that the public may be spared having to endure the sight of blots upon what should be, if nature had had fair play, one of the most charming of Public Parks.

I have the honor to be,  
Sir,

Your obedient Servant,

F. W. PIESSE.

*The Honorable N. J. BROWN, Esq.,  
Minister for Lands and Works, Hobart.*

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*Botanical Gardens, 14th November, 1886.*

SIR,

I HAVE the honor to acknowledge the receipt of your Memorandum endorsed on a letter from Mrs. Dunnington, drawing attention to the fact that some gum-trees were growing in dangerous proximity to her residence, Presbyterian Glebe, fronting on the Domain.

In reply, I would state that my attention was called to these particular trees some two or more years ago by the owner of the property with a view to having them removed, but I did not think it advisable to take action in the matter, as I believe it has not been ceded that this and the other properties in the same locality have any legal right to the frontage on the Domain. As a matter of fact there are some 16 trees in dangerous proximity to the new buildings in the locality that would be better removed, not only as a matter of safety to the property, but also for the convenience of the occupiers in getting to and from their homes. It is desirable that the matter should be considered as a whole before taking action in any particular case, as similar applications would be sure to be made by the other occupiers if the present request is acceded to. It would be difficult to pollard the trees referred to without injuring the property more or less by the falling branches. *If pollarding is decided upon, I would suggest that the onus be placed on the owner by allowing him to perform the work at his own risk under proper instructions.* I shall await your instructions before taking any definite action in the matter.

I have, &c.

F. ABBOTT.

*The Hon. N. J. BROWN,  
Minister of Lands and Works.*

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I shall be glad if the Domain Committee will kindly favour me with their views as to pollarding the trees referred to in this communication, as well as others that are unsightly and badly grown.

NICHOLAS J. BROWN.  
20. 11. 86.

*The Chairman of the Domain Committee.*

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*The Tasmanian Museum, Hobart, 17th December, 1886.*

SIR,

IN reply to the letter from Mr. F. Abbott, Superintendent of the Botanical Gardens, *re* pollarding certain trees in the Queen's Domain, forwarded by you for consideration by the Queen's Domain Committee, I am instructed by the Committee to send you the following Resolution passed at the meeting on Tuesday, December 14th :—

"The Domain Committee having taken into consideration the whole circumstances connected with the use of the Queen's Domain for access to the new houses facing thereon built in the Glebes, and the difficulty of now travelling, recommend that a road at least 50 feet wide be clearly marked off along the whole line of the Glebes on their eastern boundary, and that any use of the Domain beyond the boundary of this road by neighbouring residents be strictly prohibited; following this, that all the trees within the prescribed width of the road should be forthwith cleared away; the construction of such road to be deferred until terms can be made with the Glebe Town Road Trust or the Glebe owners for defraying its cost, this road to be connected with the new Domain drive by a cross road at Scott-street and another at its northern end."

I am, &c.

ALEX. MORTON, *Secretary.*

*The Honorable the Minister of Lands and Works.*

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*The Tasmanian Museum, Hobart, 21st March, 1887.*

SIR,

I AM requested by the Queen's Domain Committee to inform you that, at a meeting held on Friday, the 18th instant, I was instructed to draw your attention to a Resolution passed at a meeting held on December 14th, 1886, respecting a proposed new road facing the new houses at the Glebe. It was pointed out at the recent meeting of the Board the necessity for urging the Government to proceed in the formation of this road, as at present the ground is cut up with various cart tracks all along that part of the Domain in a most lamentable manner. The Board are of opinion that the construction of a road having access to the new houses facing the Domain will prevent the cutting up of the Domain. It was suggested that the road should be made as roads bordering Domains are often done in England, namely, with posts and a pendant chain "rail" to divide the road from the ground of the Domain; openings for foot passengers should be left opposite the existing streets. The Committee respectfully request that the enclosed suggestions may meet with your favourable consideration.

I am, &c.

ALEXANDER MORTON, *Secretary.*

*The Honorable the Minister of Lands and Works.*

REFERRED to the Engineer of Roads for his remarks. Previous letter from Mr. Piesse attached.

W. SMITH, *Chief Clerk.*  
31. 3. 87.

I WOULD suggest that no action beyond closing the road fronting the Glebes, and preventing trespass by carts and drays and light vehicles to and from residences abutting on the Domain in the properties known as the Glebes. This line of conduct will force the ground landlords and the Town Board to approach Parliament by petition to have a strip of land dedicated for road purposes along the Glebe frontages, and, if Parliament sees fit, accompanying conditions can be made conditional with the grant.

WILLIAM DUFFY, *Engineer of Roads.*  
1. 4. 87.

*The Tasmanian Museum and Botanical Gardens,  
Hobart, 7th July, 1887.*

SIR,

I AM requested by the Queen's Domain Committee to forward you a published plan of the Catholic Glebe in the Domain showing the ground all cut up into building allotments, many of which front direct on the Domain, and to request your consideration thereof.

You will remember that at a meeting of the Committee held in May last, when the Hon. the Attorney-General and yourself kindly favoured them by being present, it was unanimously resolved that the Government be requested to mark off a road on the Domain along the face of the allotments at present built upon, extending from the High School to near the centre of Trinity Glebe, and then sweeping round to join the new Domain road, and that allotments beyond Davenport-street should be required to face upon a road taken out of the upper portion of the Trinity and Catholic Glebes. It is understood that the proprietors of the Trinity Glebe assent to this proposal, and it is therefore the more necessary that before the allotments of the Catholic Glebe are sold the proprietors should be positively informed that any buildings placed thereon must not front directly on the Domain, but on a street to be reserved out of the Glebe property.

The Committee therefore trust that the Government will lose no time in seeing that the above proposed conditions are carried out on behalf of the interests of the general public in this national reserve.

I am, &c.

ALEX. MORTON, *Secretary.*

*The Honorable the Minister of Lands and Works.*

*The Tasmanian Museum and Botanical Gardens,  
Hobart, 7th July, 1887.*

SIR,

I AM requested by the Queen's Domain Improvement Committee to draw your attention to a letter of March 21st, wherein was pointed out the urgent necessity of forming a new road facing along the houses already built on the various Glebes. It was pointed out at a meeting of the

Board held yesterday that that portion of the Domain during the past few weeks has been most terribly cut up by the numerous carts and other vehicles proceeding to and from the houses facing the Domain.

They would therefore most respectfully urge upon the Government the urgent necessity of immediately forming the road as unanimously approved of by the Committee.

I am, &c.

*The Honorable the Minister of Lands and Works.*

ALEX. MORTON, *Secretary.*

*New Town, 25th July, 1887.*

SIR,

As the Authorities of the Roman Catholic Church are about offering their Glebe adjoining the Domain in building allotments, would it not be desirable to notify that there is "no road" along the Domain frontage, and that access to all allotments must be provided by streets out of the property? this would prevent future trouble when the allotments have been sold; besides, as to a great part of the frontage, it would be a very difficult and expensive work to construct a road.

The Surveyor is, I believe, Mr. H. O. Christopherson. A similar notification to the Trustees of Trinity Glebe would do no harm, as they have still a considerable Domain frontage undisposed of.

I have, &c.

*The Honorable the Minister of Lands and Works, Hobart.*

F. W. PIESSE.

*New Town, 5th August, 1887.*

GLEBE TRUSTEES AND QUEEN'S DOMAIN.

SIR,

REFERRING to your remark during our conversation yesterday, that you were in communication with the Trustees of the Glebe properties, I desire earnestly to ask you to, once for all, protect the public interests in this connection, and enforce the principle that no individual or any body of individuals shall be allowed to take portion of a Public Reserve without full compensation for all public rights. If this encroachment be permitted, nothing can justly prevent Mr. Solomon taking a mile or so of street along the northern end of the Domain, nor, indeed, can any owner of land fronting on a Reserve be restrained from aggrandizing himself at the public expense.

In regard to the R.C. Glebe and to the unalienated portions of Trinity Glebe, it is not too late to require the Trustees to give access to their allotments through their own land. The buildings may still front on the Domain, streets or roadways being provided at the back of the lots.

So far as the Presbyterian Glebe is concerned, there are two courses—either that the Trustees so re-arrange their blocks, with their tenants' consent, that cart entrances can be got to the Domain frontages through the adjoining allotments—this, though troublesome, is not wholly impracticable; or that Parliament be asked to sanction a road so far as this Glebe is concerned, the Presbyterian Trustees paying for the land and for construction of the road: the total cost of these items until payment being charged by law upon the freehold of the land, and the Trustees paying interest to the Crown at  $4\frac{1}{2}$  per cent. If the Trustees either will not or cannot make themselves parties to an arrangement of this kind, an Act of Parliament should be introduced to carry it out; such a course would be but dealing out strict justice. The Presbyterian Trustees have now the possession of a strip of land, say 50 feet wide, extending the whole length of their property, which they would not have had had they not robbed the public. The rents from this area will enable them to pay the interest on cost of the road. Besides, the making of the road at the owners' expense is only complying with the law.—See Town Boards Act and Sections of 29 Vict. No. 10 incorporated therewith.

To the allegation that permission was given to the Trustees to take a road—

1. I challenge production of evidence. The Government gave no road to the allotments they sold in this vicinity along Domain:
2. I deny that any permission can override the Act of Parliament expressly prohibiting alienation of the Domain:
3. That there was no excuse or plea of ignorance of the Act, for there is no fact more generally known throughout Hobart. Something like a small riot occurred a short time ago when the public resented even a temporary alienation of portion of the Domain.

I have, &c.

*The Honorable the Minister of Lands and Works, Hobart.*

F. W. PIESSE.

*Public Works Office, Hobart, 13th August, 1887.*

SIR,

I HAVE the honor to acknowledge the receipt of your communication of the 5th inst., in regard to roads to allotments in the Glebe lands fronting on the Domain.

In reply, I desire to inform you that I am now in communication with the Trustees of the Glebe properties upon this matter, and your representations will have due consideration.

I have, &c.

E. N. C. BRADDON, *Minister of Lands and Works.*

J. W. PIESSE, *Esq., New Town.*

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*Public Works Office, Hobart, 13th August, 1887.*

GENTLEMEN,

I HAVE the honor to request that you will be good enough to confer with me at your convenience as to arranging for reserved roads for the benefit of residences on the Church of England Glebe recently divided into building allotments fronting on the Domain.

I have, &c.

E. N. C. BRADDON, *Minister of Lands and Works.*

*The Trustees Church of England Glebe, Hobart.*

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*Public Works Office, Hobart, 13th August, 1887.*

SIR,

I HAVE the honor to request that you will be good enough to confer with me at your convenience as to arranging for reserved roads for the benefit of residences on the Roman Catholic Glebe, recently divided into building allotments, fronting on the Domain.

I have, &c.

E. N. C. BRADDON, *Minister of Lands and Works.*

*The Most Rev. DANIEL MURPHY, D.D.,  
Bishop of Hobart.*

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*Lands and Works Office, Hobart, 29th September, 1887.*

REVEREND SIR,

I HAVE the honor, by direction of the Minister of Lands and Works, to request that you will be good enough to inform him whether the Trustees of the Roman Catholic Glebe have arrived at any decision in regard to the reservation of a road fronting on the Domain.

I have, &c.

T. R. ATKINSON, *Minister's Secretary.*

*Rev. FATHER WOODS, Barracks.*

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*Barrack Square, 4th October, 1887.*

DEAR SIR,

I WOULD have replied to your letter of 29th ult. before now, were it not that the Bishop of Hobart has been absent from the Colony for the last six weeks, and has not yet returned to Hobart. In his absence I cannot give you any reply in reference to the reservation of a road fronting on the Domain, but as soon as his Lordship returns I will be able to do so. My impression is that nothing has yet been agreed upon as regards this affair.

I remain, &c.

CHAS. WOODS.

MR. T. R. ATKINSON, *Secretary to Minister  
of Lands, Davey-street.*

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*Lands and Works Office, Hobart, 29th September, 1887.*

SIR,

I HAVE the honor, by direction of the Minister of Lands and Works, to request that you will be good enough to inform him whether the Trustees of the Church Glebe have arrived at any decision in regard to the reservation of a road fronting on the Domain?

I have, &c.

T. R. ATKINSON, *Minister's Secretary.*

WM. LOVETT, *Esq.*

*Trustees of Church Property, Diocese of Tasmania,  
Hobart, 4th October, 1887.*

SIR,

IN reply to your letter of the 29th September, respecting the reservation of a road fronting on the Domain, and bounded by the Church Glebes, I have the honor to inform you that the Trustees of the property of the Church of England, before deciding on any action in the direction referred to, are waiting information which the Honorable the Minister of Lands promised to furnish as to the position taken up by the other Church authorities equally interested in the matter with themselves.

I have, &c.

W. LOVETT.

T. R. ATKINSON, *Esq., Minister's Secretary,  
Lands and Works Office.*

*Lands and Works Office, Hobart, 6th October, 1887.*

SIR,

REFERRING to your letter of 4th instant in reply to mine, *re* reservation of road fronting on Domain, I am requested to inform you that the Minister is now awaiting the return to town of the Bishop of Hobart, after which he hopes to be able to furnish you with the desired information.

I have, &c.

T. R. ATKINSON, *Minister's Secretary.*

WM. LOVETT, *Esq.*

*Trustees of Church Property, Diocese of Tasmania,  
Hobart, 8th October, 1887.*

SIR,

At a meeting of the representatives of the Glebes of the Church of England, the Presbyterian Church, and the Church of Rome, held yesterday, I was requested to communicate with you for the purpose of arranging a time for a deputation from the said representatives and others interested to wait upon you for the purpose of considering the question of a road to give access from the Domain to Glebe Town.

Would you therefore do me the favour to inform me when it will be convenient to receive such deputation?

I have, &c.

W. LOVETT.

*The Hon. the Minister of Lands and Works.*

*Lands and Works Office, Hobart, 8th October, 1887.*

SIR,

THE Minister will be glad to receive a deputation of representatives of the Glebes of the Church of England, the Presbyterian Church, and the Church of Rome, in regard to the question of a road to give access from the Domain to Glebe Town, on Tuesday next, the 11th instant, at 12 o'clock. Trusting the time named will suit the convenience of the deputation,

I have, &c.

T. R. ATKINSON, *Minister's Secretary.*

WM. LOVETT, *Esq., Hobart.*

*MEMO. for Minister of Lands and Works re Glebes and Road through Domain.*

1. No road can be formed or granted without an Act of Parliament. This Act can stipulate upon what terms the road shall be granted, and thus obviate the difficulty you mentioned last Wednesday as to getting an equivalent from the Presbyterian Glebe Trustees.

2. Apart altogether from the principle of non-alienation of the Domain, the fact is patent that the Glebe Trustees save or gain the rent of the land they would otherwise have had to have devoted to the road. What may be the rent they thus get I do not know. There are three allotments fronting on the Domain in the Trinity Glebe which are let at £8 5s. per annum for one-tenth of an acre, equivalent at £5 per cent. interest to a capital value of over £1600 per acre.

F. W. P.

11th October, 1887.

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*Public Works Office, Hobart, 26th October, 1887.*

GENTLEMEN,

I HAVE the honor to forward herewith copy of letter dated 23rd January, 1884, signed by the late Hon. W. R. Giblin (for the Minister of Lands and Works, absent), on the subject of access to properties on the Trinity Glebe fronting on the Domain, and desire to inform you that no record can be found of any authority having been given by any Minister of Lands and Works contrary to the spirit of the late Mr. Giblin's communication.

I have, &c.

E. N. C. BRADDON, *Minister of Lands and Works.*

*The Trustees Church of England Glebe, Hobart.*

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[Similar letters to the Trustees of the Presbyterian and Roman Catholic Glebes.]

23rd January, 1884.

GENTLEMEN,

MY attention has been called to an advertisement in this day's paper of the proposed sale by auction by Mr. Thomas Westbrook, under instructions from the Trustees of property belonging to the Church of England, of 51 allotments of land, forming part of Trinity Glebe, to be sold on building leases, and referring to you for all particulars as to the buildings to be erected on the proposed sites, and for lithographed plan of such allotments.

Having procured a copy of this plan, I find that twelve of such allotments are laid out with a frontage on the Queen's Domain (being the back portion of the original Glebe), and ten of these lots appear to have no other access to them than that to be gained by passing over the Queen's Domain.

I think it only right to point out to you that the Domain is not a public highway, and that no road exists in the immediate rear of the Trinity Glebe where allotments 14 to 27 are made to front, and, further, that the Act 31 Vict. No. 29 absolutely prohibits any cart or waggon being taken in or through the Domain, except to Government House and certain other specified places, of which the Trinity Glebe is not one. Your clients must, therefore, understand that any purchaser from them cannot be allowed to use the Domain as a means of access to his allotment, and that it is in contemplation to enclose the Domain, carrying a fence along the line which forms the rear of the Glebe.

I observe, further, from the plan that such streets as are laid out are of the width of 40 feet only. I think it very undesirable that in any extension of the building area of the town any street of less width than 60 feet should be attempted to be made, but, at any rate, the minimum width allowed by law (50 feet) must not be diminished.

I trust that under the circumstances your clients will not proceed with the proposed sale until they have made such alterations in their arrangements as will obviate any necessity for my interference.

I have, &c.

W. R. GIBLIN, *for the Minister of Lands and Works, absent.*

*Messrs. DOBSON & MITCHELL, Solicitors.*

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*New Town, 19th July, 1889.*

GLEBE TRUSTEES AND QUEEN'S DOMAIN.

SIR,

REFERRING to my letters to your predecessor under date 30th August, 1886, and 5th August, 1887, respectively, I desire to draw your attention to work in progress in the Domain, which is apparently the first step towards forming a road in front of the Presbyterian and portion of the Trinity Glebes.

I will not repeat what I have before urged in this connection, but I may mention that I have a letter from the Rev. G. Shoobridge, in which he states "that the Trustees of Trinity Glebe have expressed their willingness to contribute towards the making of a road through the Domain along the boundary of the Glebe provided that the Trustees of the other Glebes also contribute." I was also verbally informed by the Rev. James Scott that the Trustees of the Presbyterian Glebe were prepared to contribute towards the making of a street or road in the Domain.

Under all the circumstances of the case this was the least that the Trustees could do. To put the matter at all straight they should pay for the land also, for they saved the area out of their properties, and thereby got more allotments to let. At any rate, I trust to hear from you that you are disposed to endorse the action both of the Hon. N. J. Brown and of the Hon. E. N. C. Braddon, who consistently resisted any concession of the rights of the public to bodies who had in no single instance proved themselves worthy of any such consideration.

If the Trustees are hampered by legal difficulties in carry out their intentions of contributing to the cost of the road, powers might be conferred upon them in the Act it will be necessary to introduce before any alienation of the Domain can take place.

I have, &c.

F. W. PIESSE.

*The Hon. the Minister of Lands and Works, Hobart.*

*26th July, 1889.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter dated 19th instant, on the subject of proposed road along Glebe frontage in the Domain, and in reply desire to inform you that this matter will have the consideration of the Government.

I have, &c.

A. T. PILLINGER, *Minister of Lands and Works.*

F. W. PIESSE, *Esq., New Town.*



# CATHOLIC GLEBE

Scale 40 Feet to an inch

