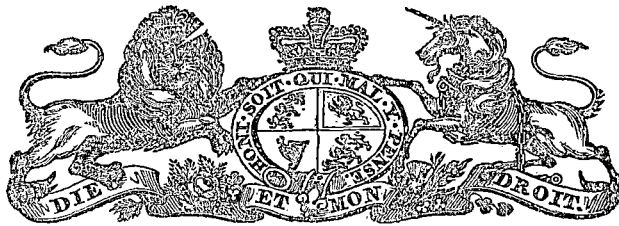


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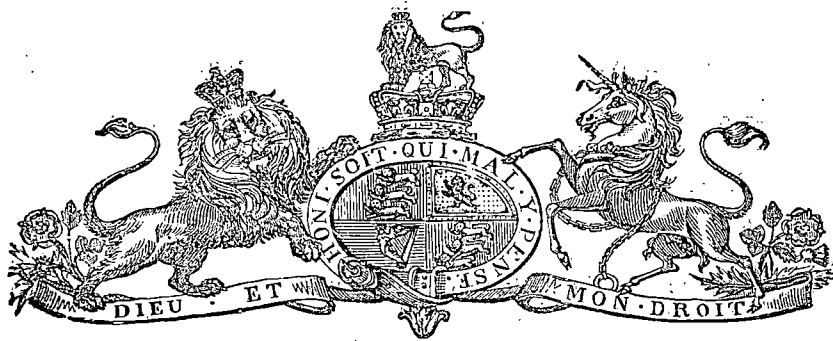
T A S M A N I A .

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PETITION OF JOSEPH LAW.

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Presented by Mr. Davies, and ordered by the House to be printed, 28 August,  
1866.



*To the Honorable the House of Representatives of Tasmania, in Parliament assembled.*

The humble Petition of Joseph Law, of Emu Bay, in the County of Devon, Settler.

HUMBLY SHOWETH:

1. THAT a few miles westward of the western boundary of the "Hampshire Hills Block" there is a Plain known as St. Mary's; and, as Mr. P. Lette was the District Surveyor in 1859, your Petitioner, in the early part of that year, applied orally to him to learn what was the westward boundary of the Van Diemen's Land Company's property in the vicinity of the Plain, and the reply was, "St. Mary's River."

2. That, as the larger portion of St. Mary's Plain is situated between St. Mary's River and a stream then known as the "River Cam," your Petitioner applied to the Commissioner of Crown Lands to lease 500 acres of land known as "St. Mary's Plain."

3. That your Petitioner's application was replied to on the 17th May, 1859, by Mr. Edward Boothman, Deputy Commissioner of Crown Lands, who stated that the land was vacant; and a lease over 500 acres, for fourteen years from the 1st June, 1859, and signed by the Commissioner of Crown Lands, was duly issued to your Petitioner; and a receipt, forwarded to him for rent paid in advance, contained the words \* \* \* "Lot 141, 500 acres, St. Mary's Plains."

4. That your Petitioner, upon the receipt of the lease, and of the acknowledgment for the rent paid, took possession of the open land lying between the two streams referred to, and made improvements; before doing which, however, your Petitioner was obliged to clear a road for a dray for about four miles.

5. That when your Petitioner was about to take possession of the Plain, the representative of the Van Diemen's Land Company, Mr. James Gibson, was informed of it, and granted to your Petitioner permission to use the Company's road leading in the direction of it.

6. That the District Surveyor, Mr. Lette, was twice upon the Plain, having been surveying in that locality some time after your Petitioner took possession of the land described in the lease, and he stated that the stream marked "St. Mary's River" is the Company's boundary; and upon the County Plan of Wellington, No. 3, obtained by your Petitioner from Mr. Lette, the Plain is shown thereon to lie westward of St. Mary's River and to be Crown Land; and the note upon that plan indicating the position of the Plain your Petitioner believes to have been written by Mr. Lette; and Mr. District Surveyor Simmons, for some time working with Mr. Lette, when spoken to upon the subject, expressed himself to the effect that he believes the writing to be Mr. Lette's.

7. That in the early part of 1861 Mr. R. C. Gunn, Sub-Commissioner of Crown Lands at Launceston, visited St. Mary's Plain when making a tour through this part of the Colony; and your Petitioner being present, the Van Diemen's Land Company's boundary was spoken of, and that gentleman, upon referring to the plans then in his possession, expressed himself to the effect that he looked upon the stream marked upon the tracing St. Mary's River as the Company's boundary.

8. That the land referred to in the lease, and in the receipt for the rent, having been described as Lot No. 141, and vaguely defined therein as follows:—\* \* \* "All those five hundred acres of land in the County of Wellington, vicinity of Hampshire Hills, known as Lot 141, adjoining and to the west of land belonging to the Van Diemen's Land Company, and known as the Hampshire Hills Block," \* \* \* your Petitioner, about May, 1861, forwarded the lease to Mr. Sub-

Commissioner Gunn, with a pencilled note in the margin as follows:—"Is Lot 140 or 141 St. Mary's Plain?" And that gentleman returned the lease on the 10th June, with a note in the margin as follows:—"Lot 140 is St. Mary's Plain," and attached his signature to it.

9. That up to about May, 1864, your Petitioner held undisturbed possession of the Plain, paying rent regularly to the Government for it; and the improvements which had been effected consisted of a two-roomed cottage, barn, paddock, yards, &c. About the above date, however, your Petitioner became aware that St. Mary's Plain had been claimed as the property of the Van Diemen's Land Company.

10. That on the 30th May, 1865, Mr. Gunn wrote to your Petitioner, asking by what means your Petitioner had ascertained the boundary between the Crown land and the land of the Van Diemen's Land Company; and the reply forwarded was to the effect that your Petitioner had been guided by the District Surveyor, Mr. Lette, who stated that St. Mary's River is the Company's boundary; and your Petitioner also said that he had known the said stream as St. Mary's River since 1837.

11. That on the 20th June, 1865, Mr. Gunn again wrote to your Petitioner to the effect that, upon reference to Mr. Sprent's survey, the Surveyor-General had decided that St. Mary's Plain formed part of the Van Diemen's Land Company's land, and that St. Mary's River is the most western one of the two streams which run through the Plain; thereby leading your Petitioner to understand that the stream named the "Cam" upon the tracing ought to have been named St. Mary's River.

12. That in reply to Mr. Gunn's letter of the 20th June, your Petitioner enquired whether the Government would refund the amount paid as rent since 1859, amounting to £30; and whether compensation would be granted for the improvements effected upon—as it then first appeared to your Petitioner—the Company's land.

13. That on the 15th August, 1865, the Surveyor-General wrote to your Petitioner to the effect that St. Mary's River is the boundary of the Company's land, and that the lot leased to your Petitioner had been charted on the western side of that river; and that gentleman further said:—"If you have occupied other lands, I cannot recommend any repayment of rent or compensation for improvements."

14. That your Petitioner felt it very difficult to be convinced that his improvements had been effected upon the Company's land; and as, from the wording of the extract quoted from the Surveyor-General's letter, it appeared to your Petitioner as if that gentleman entertained some doubt about the matter, your Petitioner therefore again wrote on the 1st September, 1865, and that gentleman forwarded a reply on the 12th, in effect the same as that conveyed in his letter of the 15th August; and also forwarded the tracing marked B, which shows the stream named thereon St. Mary's River to be of much greater magnitude than the stream marked A, which latter is in reality much the largest of the two, although not shown at all upon the County Plan of Wellington, No. 3, where apparently it ought to have been laid down between the "Guide" and the stream marked St. Mary's River.

15. That the improvements effected by your Petitioner are between the two streams at C, upon Tracing B. Having now given up possession of the Plain to the Van Diemen's Land Company, has estimated the cost of clearing the road, erecting barn, huts, yards, &c., and fencing paddocks, and laying down English grasses, at £400; loss upon stock for the remaining eight years of lease, at £100 per annum, £800, in all £1200; and your Petitioner will sustain a further loss in having to dispose of his stock, there being no other grazing land available either to lease or purchase in the district.

16. That your Honorable House, by reference to a note on the margin of lease, will see that No. is St. Mary's Plain, and leased to Petitioner. That had the Survey Department not made such a gross mistake in letting me land belonging to the Van Diemen's Land Company, your Petitioner would never have gone to the expense he has done.

That your Petitioner having detailed the circumstances relating to his case; having shown that the stream marked A upon Tracing B was known to your Petitioner, and upon the plans at Launceston, as St. Mary's River, which by the decision of the Surveyor-General ought not apparently to have been so named, and that the said stream is not shown at all upon the County Plan of Wellington, No. 3; having shown that application was made to the District Surveyor for information relative to the Company's boundary, before any application was made to lease the land "known as St. Mary's Plain," and that Mr. Boothman's reply was to the effect that the land was vacant, and that a lease was forwarded to your Petitioner, together with an acknowledgment for the rent paid in advance before your Petitioner took possession of the Plain; having shown that the representative of the Company, Mr. Gibson, never claimed the Plain, when informed by your

Petitioner that he was about to occupy it, but readily granted permission to use the Company's road leading in the direction of it; having shown that the District Surveyor was twice upon the Plain, and Mr. Sub-Commissioner Gunn once; and that both gentlemen were of opinion that the stream A, Tracing B, is St. Mary's River, and therefore the Company's boundary; having shown that upon the No. 3 Plan of Wellington, St. Mary's Plain is there laid down as lying westward of St. Mary's River, and consequently Crown Land, whereas upon Tracing B the Plain is shown to lie eastward of that river—named erroneously the "Cam" upon Tracing A, and to be Company's land; and that your Petitioner only became aware of the real state of the case very recently by the Surveyor-General forwarding the Tracing B on the 12th September; having shown that there was no other clear land for your Petitioner to apply for, or take possession of in the immediate locality, which your Petitioner would submit must have been known to the Survey Department, being in possession of Mr. Sprent's survey as shown by Tracing B. And your Petitioner would most respectfully submit further, whether it was not the duty of that department to have advised your Petitioner, when his application was made, that the Plain is the property of the Company; he therefore appeals, as the only course open to him, to your Honorable House to take his case into your serious consideration, and to so deal with it as to your Honorable House shall seem meet.

And your Petitioner, as in duty bound, will ever pray.

JOSEPH LAW.