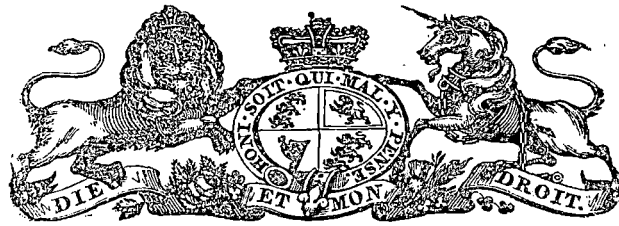


(No. 38.)



1861.

TASMANIA.

G U A N O.

CORRESPONDENCE BETWEEN THE EXECUTIVE GOVERNMENT, THE
SURVEY DEPARTMENT, DR. CROWTHER, AND MR. ASKUNAS.

Laid upon the Table by Mr. Innes, and ordered by the House to be printed,
5 September, 1861.



Survey Office, 13th May, 1861.

MEMO.

WITH reference to the Colonial Treasurer's Memo. on Dr. Crowther's letter of the 11th instant as to the right of C. L. Crowther to a Selection on Mount Chappel Island, I beg to observe that a reference to the following dates will show, that at the time C. L. Crowther became an applicant for Mount Chappel Island, that Island was not available for selection, in consequence of a prior application having been received by the Government from Mr. Askunas, to rent that and other Islands for Guano purposes, and which application I recommended should stand over, pending the promulgation of regulations for the disposal of the Guano.

1. On the 17th December, 1860, C. L. Crowther applied to purchase Petrel Island, which, however, was not available for selection, having been under rental on the 1st December, 1857, and applicant was so informed, on the 16th of January, 1861.

2. On the 24th December, 1860, it was notified that the operation of the 19th Section of *The Waste Lands Act* had been stayed with regard to Islands:

3. On the 16th January, 1861, Mr. Askunas applied to rent Chappel and several other Islands for Guano purposes, and this application I recommended, should be held in abeyance until something further was known on a subject which, at the time, was new to us,—a proposition which received the approval of the Colonial Treasurer.

4. On the 17th January, 1861, Doctor Crowther urged the right of C. L. Crowther to make a further Selection, on the ground, that had the original application been acted upon without delay, there would have been sufficient time between its date and the suspension of the 19th Section (one week), to have made a fresh application, which I met by stating that Doctor Crowther was in constant communication with the Survey Office relative to his numerous applications,* and that he displayed so much uncertainty as to where he would fix them, that they were not finally considered, until it was believed that his mind had become settled on the subject; however, I did not oppose the right of another Selection to C. L. Crowther, and the small Island, forming one of the Breaksea Islands, was then (17th January) named as the spot where C. L. Crowther wished to be placed; this, of course, could not be done, pending the settlement of the rival claims to North Breaksea, which has now been effected by the entire abandonment of all claim to it by Dr. Crowther, and consequently C. L. Crowther remains to be located.

On the 8th May, 1861, C. L. Crowther applied, *for the first time*, to be allowed to select part of Mount Chappel Island, and was informed on the same day that it was not available for selection,—a sufficient bar to such selection existing, in my opinion in the, as yet, unsettled Application of the 16th January last, from Mr. Askunas to rent the Island for Guano purposes.

It is quite clear, that until very recently, Dr. Crowther has not considered the Chappel Island a desirable spot to select upon, but having now discovered its real value, (a value which is undeniable after the offers of Mr. Askunas to pay a rental of £500 a-year for four years, guaranteed), he strains every nerve to carry his point without the slightest consideration for the claims of others, which in my opinion, ought to be fairly disposed of, and which, to some extent, would be met by the sale of the Island by Public Auction.

If further proof were wanting of the weakness of Dr. Crowther's claim to a Selection on Mount Chappel Island, I need only adduce the fact, that when I informed him of the original offer of Mr. Askunas to rent the Island for ten years, at an Annual rental of Ten Shillings per acre, he immediately said he would get his Agent to offer Ten Shillings and Sixpence, and, which was done at once by Mr. J. E. Chapman, whom I informed that there was a prior Applicant.

Finally, I may observe that the prior right to Mount Chappel Island is most certainly with Mr. Askunas, and I should have supported his claims, had he not, like Dr. Crowther, taken unauthorized possession of it, and obliged me as Commissioner of Crown Lands, to deal with him as a trespasser.

I attach a letter just received from Dr. Crowther in compliance with his request.

J. E. CALDER, *Surveyor-General.*

* See Report on Dr. Crowther's letter of 17th January, 1861.

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COPY of Telegrams relative to Mount Chappel Island.

(No. 1.)

9th May, 1861.

SIR,

HAVING a right of selection, *admitted* by the Survey Department, under the 19th Section of *The Waste Lands Act* in the name of C. L. Crowther, the date of which is *prior* to the passing of the order in Council in December last, I beg your immediate assent to a location on the Southern half of Mount Chappel Island should the Surveyor-General see nothing to the contrary. A reply in the course of the day will oblige.

W. L. CROWTHER.

The Honorable the Colonial Treasurer.

(No. 2.)

10th May, 1861.

THANKS for your letter.—One this morning from Crowther, to whom reply, that the question must be decided by Governor in Council; but, that he will be supported by the Government in any rights which may have been engaged to him.

I think that the sale of the Island is our only course, for which I advise you to made preparations, without however, committing us.

F. M. INNES.

J. E. CALDER, *Esquire, Hobart Town.*

(No. 3.)

10th May, 1861.

CROWTHER has no right to Chappel Island, his statements about the same, are all bluster. Please send by this night's Mail clear instructions about the survey of Chappel Island, for I do not exactly understand your telegram.

I think we should survey and sell all available Guano Islands, for I believe we are losing largely by the filibustering practices now carrying on there. Askunas has just made his appearance.

J. E. CALDER.

The Honorable the Colonial Treasurer, Launceston.

(No. 4.)

10th May, 1861.

I WISH you to prepare a statement of the arrangement you would suggest for surveying the Islands for purposes of sale. We must stand perfectly neutral between opposing claimants. As to any one right to Chappel Island, nothing is known to me, excepting what has passed through your Office.

F. M. INNES.

J. E. CALDER, *Esquire.*

Ship Hotel, Hobart Town, 16th January, 1861.

SIR,

I HAVE the honor to request that a Lease may be granted to me for a term of Ten years of the following Islands belonging to the Government of Tasmania, for the purpose of removing Guano therefrom; viz.—

Preservation Island,
Chappel Island,
Woody Island,
Tin Kettle Island,
Long Island,

Dog Isles,
Green Island, to the west of Flinders,
Sisters, north side of Van Diemen's Land,
One rock off Babel Island called Cat Island.

Being the first man who created a market value for Australian Guano, the same having been held in ridiculous contempt by the public until introduced by me, at a great cost, from Flat Island, P. P. Bay, the lease of which was at once granted to me by the Government of Victoria, to whom I pay a Royalty and Licence Fee for said Island, the *tenor* of which I shall be always happy to acquaint you with.

I have the honor to be

Sir,

Your obedient Servant,

J. ASKUNAS.

J. E. CALDER, *Esquire, Surveyor-General,*
Tasmania.

18th January, 1861.

IN reference to the application of Messrs. Askunas and Simmonds, I think I cannot do better than recommend you not just yet to sanction these applications. Let us first of all apply to the Victorian Government for information about the terms on which their Guano Islands are disposed of, that we may affix a Royalty on ours; at present the whole subject is new to us, and any present action that we take will be a mere groping about in the dark. Pending the receipt of this information, perhaps the Treasurer will give a thought to my proposition of the 5th instant, about a survey of our Guano beds, with which piece of information before us we can then go to work to the advantage of the Colony.

Whenever we are in a position to fix the amount of Royalty, I think we should never lose sight of the propriety of largely *increasing it* in the case of applicants who do not obtain their stores, or, at least, all their provision supplies from Tasmania. I submit that it is our business to advance the country that supplies the Guano, and not the *direct* or rather the Land Revenue only; and this country will lose half the benefits of her own resources unless we make them who do not choose to trade with us pay for the exemption through an increased royalty. We cannot just yet afford to be plundered in carrying out too exactly the principles of free trade.

J. E. CALDER.

24th January, 1861.

As the Surveyor-General knows best the precise information which he requires from the Victorian Government, will he frame a letter applying for it, which I will sign. Meantime I approve of the course proposed by him in dealing with applications for Guano Islands.

F. M. INNES.

24th April, 1861.

THE communication to which Mr. Askunas refers in the beginning of this letter as having taken place between him and myself was to this effect:—Supposing the Government to be unable to adjudicate between the rival claims of himself and Mr. Crowther to the Breaksea Island or Islands, was there no compromise which would satisfy all parties? I now wish the Surveyor-General to advise upon the proposal of Mr. Askunas in the accompanying letter from him. The Surveyor-General must be aware in advising, that the Government is not a little embarrassed in deciding between Messrs. Crowther and Askunas as regards the Breaksea.

F. M. INNES.

Brisbane Hotel, Launceston, 11th May, 1861.

SIR,

IN consequence of a dispute which has arisen to my application for a lease from your Government of Chappel Island for the purpose of removing Guano therefrom, I beg to lay before you the following facts.

In the commencement of June, 1860, my Book-keeper (Mr. J. T. Simmons) applied to your Government, on my behalf, for several Islands in Bass' Straits, of which Chappel Island (the one at present in dispute) is one, and to which the following reply was received:—

Survey Office, 5th June, 1860.

SIR,

WITH reference to your application on behalf of Mr. Joseph Askunas to rent the following Islands in Bass' Straits, I beg to inform you that (subject to Sealers who are authorized to reside upon the Islands not being disturbed,) there will be no objection to grant Leases on payment of the annual rent set against each Island.

	£	s.	d.
Chappel Island	7	0	0
Woody Island	6	0	0
Tin Kettle Island	5	0	0
Long Island	6	8	0
Little Dog Island	5	0	0
Preservation Island	5	0	0

I have the honor to be,

Sir,

Your obedient Servant,

E. BOOTHMAN, for Surveyor-General.

My Book-keeper (Mr. Simmons) inquired of Mr. Boothman if the money for the above Islands was to be paid down at once, to which Mr. Boothman replied in the negative, adding, when the money is required it will be asked for. But that has not taken place yet.

However, in January last, I have purchased for £25 the secret, that from two to three thousand tons of Guano are supposed to be on Chappel Island; and I made, in consequence, a new application to your Surveyor-General on the 16th of January, 1861, before anybody else ever applied for that Island, to the following effect:—

Ship Hotel, Hobart Town, 16th January, 1861.

SIR,

I HAVE the honor to request that a *Lease* may be granted to me, for a term of ten years, of the following Islands belonging to Tasmania, for the purpose of *removing Guano therefrom*; viz.—

Preservation Island.
Woody Island.
Long Island.
Green Island, to the west of Flinders.
One Rock, called Cat Island, or Babel Island.

Chappel Island.
Tin Kettle Island.
Dog Island.
Sisters, north side of Van Diemen's Land; and

Being the first man who created a market value for Australian Guano, — the same having been held in ridicule, contempt by the public until introduced by me (at a great cost) from Flat Island, P. P. Bay, the Lease of which was at once granted to me by the Government of Victoria, to whom I pay a Royalty and License Fee for said Islands the tenor of which I shall always be happy to acquaint you with.

I have the honor to be,
Sir,

Your obedient Servant,
" J. E. CALDER, *Esquire, Surveyor-General, Hobart Town.* JOSEPH ASKUNAS.

By the above you will perceive that I am also the discoverer of the market value of Australian Guano in your Colony, as I was the first man who came officially before your Government stating that you have Guano, and for which Lease I am willing to pay a fair Royalty.

My application for Chappel Island is positive the first on the list at your Survey Office in Hobart Town, and I am therefore, in accordance with your often expressed sentiments, that "*discoverers should always be encouraged,*" entitled to that consideration.

Although I have no *locus standi* as yet in Hobart Town, and my antagonist very influential, as he himself expresses; still I hope and pray for justice, which is so general with an Englishman.

I also beg to inform you that, in consequence of all that I have expended, several hundred pounds sterling, by having sent a vessel to Chappel Island to examine its deposits, and have been five times in Tasmania during the last four months, in order to achieve my right.

I may also here mention that, as soon as I get Chappel Island I am willing to resign all other Islands applied for by me, and will sell the Guano, same as in Melbourne, at £5 5s. per ton. I will, in conclusion, remark, that my application is, as before stated, for the whole of Chappel Island, a lease for ten years to remove Guano therefrom, for which I propose to pay to your Government a yearly rent of (£500) say five hundred pounds sterling, and guarantee to pay such rent for at least four years.

Hoping to receive your immediate and just attention,

I have the honor to be,
Sir,

Your obedient Servant,
The Hon. F. M. INNES, *Esquire, Colonial Treasurer, Hobart Town, Tasmania.* JOSEPH ASKUNAS.

Launceston, 11th May, 1861.

The claim of Mr. Askunas to the Chappel Islands appears to turn very much on the tenor of his communications to which Mr. Boothman is cited as a witness; and also on the fact (assuming it to be a fact) of his application being the first to lease the Island. I wish a communication on these points from the Surveyor-General. — Was any demand ever made for rent of Chappel Island? Had Askunas *ever* a title to it recognized in the Survey Office?

F. M. INNES.

The Surveyor-General.

An immediate reply to me here, both in respect to Dr. Crowther's and Mr. Askunas' representations, will oblige.—F.M.I.

Survey Office, 13th May, 1861.

MEMO.

In answer to the Colonial Treasurer's queries on the accompanying letter from Mr. Askunas, I beg to observe:—

1st. That in June, 1860, Mr. Askunas, through his Agent, applied to rent Mount Chappel and other Islands; and the copy of a letter which he quotes in reply is a correct transcript of the answer returned from this Office.

2nd. The application was made for grazing purposes, and as the Agent was doubtful which of the Islands Mr. Askunas would finally take, he enquired what time would be allowed to communicate with him, when the answer was, "a reasonable time;" and as no further action was taken by the applicant; the application of course lapsed.

3rd. Mr. Askunas, however, revived it on the 16th of January last, when he applied for Mount Chappel Island for Guano purposes, and which has remained in abeyance, pending the promulgation of regulations for the disposal of Guano Islands.

4th. In both instances, Mr. Askunas is prior to all others for Mount Chappel; and I should have supported his claims but for his unauthorized occupation of it. (See Memorandum on Dr. Crowther's letter.)

5th. No demand was ever made for rent of the Island in question, but Mr. Askunas was considered in this Office as having a claim by priority of application.

J. E. CALDER, *Surveyor-General.*