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1876.

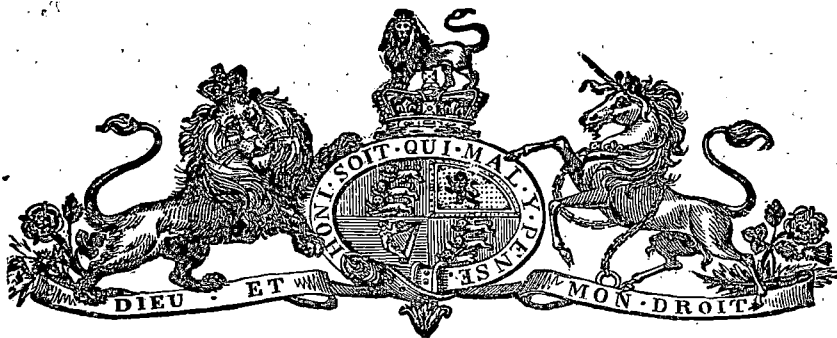
T A S M A N I A.

HOUSE OF ASSEMBLY.

MR. HENRY'S CLAIM

TO A SITE FOR A MILL AT DELORAINE.

Laid upon the Table by the Minister of Lands and Works, and ordered by the House to be printed, September 22, 1876.



Deloraine, 19th April, 1876.

SIR,

I HAVE selected a site for a mill-race and building for manufacturing purposes on the Meander River, West Parade, Deloraine. I would require the right to construct a dam across the river at a point indicated on the enclosed tracing, which will also show the course of the race and the proposed site for the buildings, &c.

I purpose, in the first place, to erect flour and oat mills and machinery for cutting timber and grinding wattle-bark, and ultimately to establish a woollen manufactory.

I have therefore the honor to apply for a lease of the land marked on the tracing, in accordance with the 51st and 52nd Clauses of the 34 Vict. No. 10.

The length of the race from the dam to the building will be about 20 chains.

I have, &c.

(Signed) SAMUEL HENRY.

The Hon. the Minister of Lands.

FORWARDED to the Warden of Deloraine for his remarks. Does this interfere with the M. & D. Railway?

H. J. HULL.

17 May, 1876.

The Warden, Deloraine.

THIS letter and plan having been submitted to the Municipal Council, are generally approved. I enclose a letter from the Chairman of the Deloraine Road Trust.

HENRY DOUGLAS, *Warden.*

Deloraine, 6 June, 1876.

FORWARDED, by desire of the Honorable the Minister of Lands and Works, to Mr. Human for his observations.

H. J. HULL.

9 June, 1876.

J. HUMAN, *Esq., Battery Point.*

Deloraine, 3rd June, 1876.

SIR,

I HAVE to acknowledge the receipt of your note of May 18th, requesting the opinion of the Deloraine Road Trust upon Mr. S. Henry's application for a lease of a portion of West Parade, Deloraine.

At a special meeting of the Trust held May 30, the matter was considered, and the following Resolution passed:—

"This Meeting resolves, that Mr. S. Henry's application for a lease of a portion of West Parade, Deloraine, will not interfere with the streets of the Township nor with the reserve for the Mersey and Deloraine Railway."

I have, &c.

(Signed) JOHN SHEPHERD, *Chairman Deloraine Road Trust.*

H. DOUGLAS, *Esq., Warden of Deloraine.*

Hobart Town, 12th June, 1876.

SIR,

IN reply to your communication of the 10th instant, enclosing a tracing showing a proposed site for a mill and dam by Samuel Henry, Esq., of Deloraine, with a request to point out what effect, if any, such proposal has with the Mersey and Deloraine Railway as surveyed.

The tracing shows the plot of ground to be taken (4 chains \times 2 chains) will encroach upon the land required for the railway to the extent of 25 links in width, and the mill-race for about 4 chains in length, 15 links in width.

I apprehend there would be no practicable inconvenience in moving the site 25 links nearer to the river, and thus avoid interference with the proposed Mersey and Deloraine Railway at that spot.

The width of land required for the railway is 50 links on each side of the centre line marked on the ground. There is no mention in the application of the proposed height of dam above summer water in the river. It would be well if this were stated.

I have, &c.

(Signed) JOSIAH HUMAN.

The Hon. the Minister of Lands and Works.

Deloraine, 9th June, 1876.

SIR,

You will ere this have received, through the Warden, expressions of approval from the Municipal Council and Deloraine Road Trust on my application for a lease of a portion of the Esplanade at Deloraine for a mill site.

I deem it advisable to state, for the information of His Excellency, that a special meeting of the Road Trust was convened for the purpose of considering my application, and that it received the unanimous approval of the meeting. The only dissentients in the Council were Councillors Smith and Field, and the latter gentleman withdrew his objections upon receiving further information,—viz., that his land would not be injuriously affected. I beg also to say that I am informed my project has the general approbation of the residents of the District. I confidently trust, therefore, that His Excellency will be advised to accede to my application. In such case, I would respectfully request that the full term of lease under the Act be allowed, and at such nominal rent as His Excellency may deem adequate under the circumstances.

In addition to the rent for the mill site, I will be subject to a heavy annual charge for the right of erecting a dam and water-course of 37 chains in length on Mr. T. Field's land, which adjoins the Township. It is my present intention to use as a motor a turbin, and as wheels of this description are not made in the Colonies, it will have to be imported from England or America, consequently I will require sufficient time—say two years—to enable me to acquire the necessary information and import the machinery.

I have, &c.

(Signed) SAMUEL HENRY.

The Hon. the Minister of Lands and Works.

Keanefield, near Deloraine, 13th June, 1876.

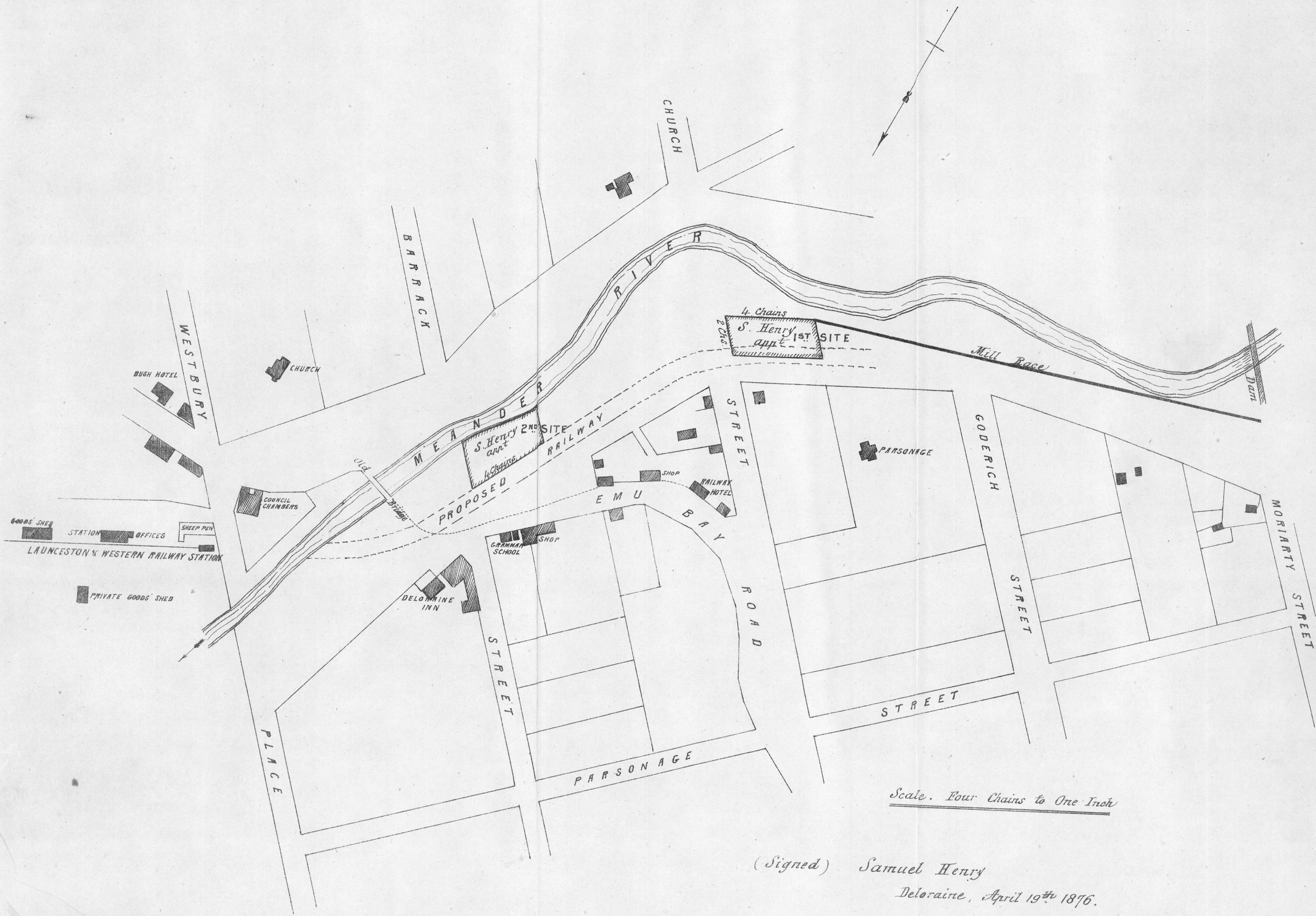
SIR,

MR. Henry having applied to the Government for a lease of a portion of West Parade, in the township of Deloraine, for the purpose of erecting a mill, and proposed to dam the river for that purpose, and if granted, would seriously injure, in fact ruin my property, which is now subject to floods, and any obstruction being placed in the river (which runs through the property) would increase the danger by water considerably, and likewise destroy one of the nicest pieces of land on the township. Respectfully soliciting your favourable consideration on behalf of the public and myself,

I have, &c.

(Signed) CALEB J. L. SMITH, J.P., Councillor
Municipality of Deloraine.

The Hon. the Minister of Lands and Works.



(Signed) Samuel Henry
Deloraine, April 19th 1876.

Deloraine, 28th June, 1876.

DEAR SIR,

I AM very anxious for various reasons to have my application for water right at Deloraine decided as early as possible, and I therefore trust you will excuse me for again asking for a tracing of Mr. Human's section of railway line through the township, so that I may at once furnish you with the information you require in order to enable you to bring the matter before the Executive. I will take it as a favour if you will cause the tracing to be forwarded to me as early as possible.

I have, &c.

(Signed) SAMUEL HENRY.

The Hon. W. MOORE.

Deloraine, 3rd July, 1876.

SIR,

I HAVE taken out the levels of a mill-race proposed to be made across the Esplanade of this township by Samuel Henry, Esq., M.H.A., and find that the head of water is six feet below the level of the formation level of the Mersey and Deloraine Railway, or 8 feet below the top of rail of the Launceston line.

No troughing will be required; the race will be cut the whole way, and will not in the slightest degree interfere with the projected railway.

On examining the section of the railway, I pointed out to Mr. Henry that there was no crossing provided for at Church-street, opposite his original application, and that the ground level opposite that street would be some 6 feet below the formation, and 8 feet below top of rail. Also that Goderich-street would be closed, and that no access could be had without going to the bridge and following the Main Road in every case.

In addition to these drawbacks to the site opposite Church-street that Mr. Henry was then contemplating, the ground shelves considerably towards the river, and would necessarily entail very heavy foundation expenses.

For these reasons Mr. Henry is desirous of the site opposite Barrack-street (*vide* tracing), to which none of the stated objections apply, and, if anything, would interfere less with the public.

I would wish it to be understood that I am not advocating Mr. Henry's cause, but am respectfully stating, at his request, his reason for desiring a change of site.

I have, &c.

(Signed) H. PERCY SORELL, *District Surveyor.*

The Hon. the Minister of Lands and Works.

MINISTER approves; if Mr. Henry will carry the water in pipes where it comes above the surface of the ground there can be no objection on paying a fair rental, and be restricted to a reasonable area.

CHARLES MEREDITH, *Minister of Lands and Works.*
22. 7. '76.

Deloraine, 4th July, 1876.

DEAR SIR,

I HAVE to acknowledge receipt of a letter from Mr. Hull, covering tracing of Mr. Human's section, for which I now tender my thanks. Mr. Sorell having finished the survey and levels of the proposed race, I am now able to state that it will in no way interfere with the line surveyed by Mr. Human, neither will it in any place come out of ground as you anticipated; in fact the water level will be 8 feet below the rail level, as shown by Mr. Human's section, consequently it is obviously impossible for the race in any way to interfere with the railway.

The section made the work very easy for Mr. Sorell; and it also saved me from a very serious blunder, which I otherwise could not have avoided,—I mean the great difference between the ground and rail level at Church-street—the site I had selected. For practical purposes this 8 feet difference of level renders this site useless. The same objections obtain at Goderich-street, and I was therefore compelled to go lower down the river about 14 chains in order to overcome the difficulties alluded to.

I have requested Mr. Sorell when writing to inform you of the necessity of a change of locality, which I have no doubt his professional knowledge will enable him to do much better than I can;

but to a practical mind like yours a glance at the railway section will at once make apparent the obstacles I have endeavoured to set forth in reference to the former site. The one I now have the honor to apply for is much better ; but, as you will see, it will entail the additional cost of making 14 chains more of mill-race.

If you require any further information previous to my application going before the Executive, I will be happy to wait upon you at your office any day next week, if you deem it necessary. For many reasons (and some of them are obvious enough too) I would like this matter disposed of at as early a day as will be convenient to you ; and I will therefore take it as a particular favour if you will please inform me when you intend to submit my application, and if you desire to see me before doing so.

I have, &c.

(Signed) SAMUEL HENRY.

The Hon. the Minister of Lands and Works.

Deloraine, 11th July, 1876.

DEAR SIR,

ON the 4th instant I addressed a letter to you in reference to my application for a mill site at Deloraine, urging you to have the matter settled as soon as your convenience would admit. My reasons were simply these:—My application has been before the Government upwards of three months, but principally I was desirous to have it disposed of before the end of the current month. I hope you have found time to bring my application before the Executive ere this, as I see by to-day's papers the Ministry have resigned, holding office until others are appointed.

Will you kindly inform me what progress has been made towards the consideration of my application, as I am rather anxious about it?

I have, &c.

(Signed) SAMUEL HENRY.

The Hon. the Minister of Lands and Works.

Lands and Works Office, 12th July, 1876.

MY DEAR SIR,

A GOOD deal of opposition has been offered to your application for lease of part of Esplanade at Deloraine, and I have therefore not been able to have the matter finally settled by the Governor in Council. Of course I am unable to do so now, but I have placed on record that I see no objection to the lease being granted provided you will undertake to carry the water in pipes where it comes above the surface of the ground, and will pay a fair rental for the same, and be restricted to a reasonable area.

I have, &c.

(Signed) WM. MOORE.

SAMUEL HENRY, *Esq., M.H.A., Deloraine.*

Lands and Works Office, 22nd July, 1876.

SIR,

REFERRING to correspondence on the subject of your application to lease a portion of the West Parade, Deloraine, upon which you are desirous of erecting flour-mills and manufactories, and also to construct a water-course or race along the Esplanade, in order to obtain the necessary supply of water for the said mills and manufactories ; I am desired by the Hon. the Minister of Lands and Works to acquaint you that he will have no objection to recommend the Governor in Council to grant you leases for the above purposes under the 51st and 52nd sections of the Waste Lands Act, for a period of 21 years, on payment of a rental of say Five pounds per annum.

The area for the mills and manufactory site will be restricted to half an acre, and the strip of land along the Esplanade for the water-race will not exceed ten feet in width.

Should this meet your views I shall be glad to receive an early reply.

I have, &c.

(Signed)

H. J. HULL, *Deputy Commissioner
Crown Lands.*

SAMUEL HENRY, *Esq., M.H.A., Deloraine.*

MY DEAR SIR,

Deloraine, 31st July, 1876.

THE twenty feet named by me for the width of the water-race will not be sufficient. I find upon examination of the locality, and calculating the quantity of water for the power requisite, that the actual size of the race will have to be a square of from forty-two to forty-eight feet,—that is, a cut of 12×4 . I would require about seven feet on each side of the race to place the earth excavated, and outside of this I will have to erect a fence on one side, perhaps on both. I might be able to do with thirty feet, but I do not consider I would be safe in asking for less than half a chain.

The four chains along the Deloraine and Mersey Railway will be enough (and not too much) for the building site; the area will be about three quarters of an acre, and I hope the Minister will agree to this, and also that he will allow the full period allowed by the Act. The time is not too long in order to recompense for the outlay. It is the more necessary to have the full term, as the Waste Lands Act does not allow any extension at the end of the lease as provided in other Acts, the Mineral Leases Act for instance. By this last Act a fresh lease may be granted under certain conditions, but no such concession can be made under the Waste Lands Act as it now stands. I therefore trust you will represent this matter to Mr. Meredith and endeavour to obtain his consent to the full periods under the two sections. Will you kindly say if you think I ought to write to the Minister on this subject, or will this communication be sufficient? You are aware this matter has been pending a very long time (now nearly four months), and I therefore trust you will have it settled for me as soon as Mr. Meredith returns to his office.

I have, &c.

(Signed) SAMUEL HENRY.

H. J. HULL, *Esq.*

Deloraine, 8th August, 1876.

MY DEAR SIR,

I WROTE to Mr. Hull in reply to his letter of the 22nd ult. in reference to my application for leasing a piece of land at Deloraine upon which to erect a manufactory and also to construct a dam and water-course to obtain the supply of water for the purposes therein named. You will read my letter I have no doubt, and give it due consideration.

I beg to add that, according to the 34 Vict. No. 10, Sects. 51 and 52, no renewal of the lease is contemplated, and I therefore ask for the full term under the clauses, viz. 30 years for the mill site, and 99 years for the race. I understood Mr. Hull to say that Mr. Moore was agreeable to me having the full term for the building site, although he named 21 years or 25 years in the office. If the Act gave the right of renewal at the end of the term by payment of an increased rent I would be satisfied with any reasonable term, but you will see upon reference to the Act the Government have no discretion. The land would have to be dealt with as other waste lands and the lease put up to auction. I therefore consider in all fairness that I am entitled to length of lease allowed by the Act. The same arrangements apply to my application under the 52nd Section as to the dam and water-course.

I do not wish to be considered troublesome, and I know you must have a very great deal to do just now, still I would like if you could get this matter settled for me at once. If I had the lease now I will have no more than sufficient time to get the mill in operation by next harvest, as I will have to send to England or America for a wheel, &c.

I have, &c.

(Signed) SAMUEL HENRY.

Hon. C. MEREDITH, Minister of Lands and Works.

Lands and Works Office, 10th August, 1876.

MY DEAR SIR,

I HAVE much pleasure in informing you that the Government has agreed to all your terms with regard to the mill site and water-race at Deloraine, and Mr. Meredith has desired me to prepare the necessary Executive Minutes for submission to His Excellency next Monday.

I have, &c.

(Signed) H. J. HULL.

SAML. HENRY, *Esq., M.H.A., Deloraine.*

Deloraine, 12th August, 1876.

MY DEAR SIR,

YOURS of the 10th instant is just now come to hand, informing me that the Government has agreed to my requirement as to the mill site and water-race, and that my application will be submitted to His Excellency on Monday next. I write on this matter so that you may get my letter

on Monday morning, because I observe you do not mention the right to construct a dam. It may be of no consequence—the mill-race may include the right to make the dam,—still it would perhaps be better to include the dam in the Minutes for the approval of His Excellency. You will find the site of the dam marked on the tracing first sent to Mr. Moore, and it is also mentioned in my application forwarded at the same time. I suppose it will be sufficient to prove my *bona fides* if I construct a flour-mill and erect machinery for the purpose of cutting timber within two years from the date of the lease. Will you kindly advise me of the result of Monday's meeting?

H. J. HULL, *Esq.*, D.C.C.L.

I have, &c.

(Signed) SAMUEL HENRY.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Lands and Works Office, Hobart Town, 14th August, 1876.

SUBMITTED.

THAT on the application of Samuel Henry, *Esq.*, a lease be granted to him under the 51st Section of "The Waste Lands Act," 34 Vict. No. 10, of a strip of land along the Esplanade on the Meander River at Deloraine, of about 34 chains in length by a width of 33 feet, for the purpose of constructing and maintaining a mill-race or water-course along the said Esplanade to a mill and manufactory about to be erected by him.

The lease to be for 50 years at a peppercorn rent, and to contain the following clauses:—

- 1st. That the lease shall not be transferable without the consent of the Governor in Council.
- 2nd. That all bridges for the preservation of the public rights shall be erected and maintained by the said Samuel Henry; and
- 3rd. That the lease be forfeited in case of non-performance of any or either of the clauses and conditions to be contained in such lease.

CHARLES MEREDITH, *Minister of Lands and Works.*

THE Governor in Council approves.

E. C. NOWELL.
14. 8. '76.

The Hon. the Minister of Lands and Works.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Lands and Works Office, Hobart Town, 14th August, 1876.

SUBMITTED.

THAT on the application of Samuel Henry, *Esq.*, a lease be granted to him under the 52nd Section of "The Waste Lands Act," 34 Vict. No. 10, of about three quarters of an acre of the Esplanade on the Meander River, Deloraine, with a frontage of four chains on the reserve for the Mersey and Deloraine Railway, for the purpose of erecting thereon a mill and manufactory.

The lease to be for a term of 30 years, and to contain the following clauses:—

- 1st. That the works for the purpose of which such lease is made shall be completed within two years from the date of lease.
- 2nd. That the lease shall not be transferable without the consent of the Governor in Council; and
- 3rd. That the rental be Five Pounds per annum payable in advance.

CHARLES MEREDITH, *Minister of Lands and Works.*

Lands and Works Office, 15th August, 1876.

SIR,

I HAVE the honor to acquaint you that the Governor in Council has been pleased to approve of a lease being granted to you under the 51st section of the Waste Lands Act of a strip of land along the Esplanade on the Meander River, at Deloraine, of about 34 chains in length by a width of 33 feet, for the purpose of constructing and maintaining a mill-race or water-course along the said Esplanade to a mill and manufactory about to be erected by you.

The lease to be for 50 years at a peppercorn rent, and to contain the following clauses:—

1st.—That the lease shall not be transferable without the consent of the Governor in Council,

2nd.—That all bridges for the preservation of the public right be erected and maintained by you; and

3rd.—That the lease be forfeited in case of non-performance of any of the clauses and conditions to be contained in such lease.

You will therefore be good enough to instruct your own Solicitor to prepare the lease, or forward to the Solicitor-General the sum of £3 13s. for its preparation.

I have, &c.

(Signed) CHARLES MEREDITH, *Minister of Lands and Works.*

SAMUEL HENRY, *Esq., M.H.A., Deloraine.*

Lands and Works Office, 15th August, 1876.

SIR,

I HAVE the honor to acquaint you that the Governor in Council has been pleased to approve of a lease being granted to you, under the 52nd section of the Waste Lands Act, of about three quarters of an acre of the Esplanade on the Meander River, Deloraine, with a frontage of four chains on the reserve for the Mersey and Deloraine Railway, for the purpose of erecting thereon a mill and manufactory. The lease to be for a term of 30 years, and to contain the following clauses:—

1st.—That the work for the time of which such lease is made shall be completed within two years from the date of lease.

2nd.—That the lease shall not be transferable without the consent of the Governor in Council; and

3rd.—That the rental be Five Pounds per annum, payable in advance.

You will therefore be good enough to instruct your own Solicitor to prepare the lease, or forward to the Solicitor-General the sum of £3 13s. for its preparation.

I have, &c.

(Signed) CHARLES MEREDITH, *Minister of Lands and Works.*

S. HENRY, *Esq., M.H.A., Deloraine.*

Deloraine, 18th August, 1876.

SIR,

I BEG to enclose the sum of Five Pounds for 12 months rent in advance for the mill site on the Esplanade, Deloraine. Upon again looking at the Waste Lands Act, I am of opinion that one lease will do for both water-race and building site. If you agree with me I will write to the Solicitor-General to prepare it at once. I suppose the tracing sent by me, (which was prepared by Mr. Sorell), will be sufficient for fixing the exact locality,—the first site applied for was altered to one nearer the bridge on account of the railway level,—or will it be necessary to have another survey and diagram made? You have tracings of both places.

I have, &c.

Deputy Commissioner Crown Lands.

(Signed) SAMUEL HENRY.

A SURVEY will be necessary in order that a description may be inserted in the lease.

The rent cannot commence until the lease is signed.

SAML. HENRY, *Esq., Deloraine.*

H. J. HULL.
21st August, 1876.

BY ELECTRIC TELEGRAPH.

Deloraine, 19th September, 1876 11.30.

RESPECTING Mr. Henry's application to lease West Parade, please stay proceedings. I write by post.

HENRY DOUGLAS, *Warden.*

The Deputy-Commissioner Crown Lands.

Council Chambers, Deloraine, 19th August, 1876.

SIR,

DURING the month of May last an application from Mr. Samuel Henry to lease a portion of the West Parade, west of Church-street, Deloraine, was remitted to me by you for my remarks thereon. It was duly laid before the Municipal Council on 5th June, and the majority saw no objections to it.

On yesterday, however, I learned with some surprise from Mr. Henry himself that he abandoned the site mentioned in such application, and that he had secured the stone-quarry adjacent to the bridge instead.

I have not had time to consult the Municipal Council respecting the leasing of this site, but I believe I correctly anticipate their views by stating that they have great objections to the leasing of this portion of the West Parade.

Besides the great inconvenience to the public through having a race cut between the most populous portion of the township and the river, nearly along its entire course through the same, it is calculated to disfigure the pleasantest promenade open to the public, and occupy a site which, were it known that it was open for leasing, would I believe have secured a price equal to the fee simple of any land on the township.

In July, 1864, the Municipal Council applied for the same site for the purpose of erecting Police buildings thereon; and I have before me the Assistant Colonial Secretary's reply of the 11th July, 1864, informing the Council that the area in question forms part of the West Parade, and the Government were not prepared to sanction its appropriation to any purpose foreign to the original intention.

May I request you, as I did already by telegram, to be good enough to cause proceedings in the matter to be stayed until I am in a position to lay before the Hon. the Minister of Lands the opinion of the Municipal Council, who, I have no doubt, will strenuously oppose the leasing of the site in question, and if necessary take advantage of the provisions of the Police Act, 1865, in order to maintain their rights and protect the interests of the public.

I have, &c.

(Signed) HENRY DOUGLAS, Warden.

H. J. HULL, Esq., *Deputy Commissioner of Crown Lands, Hobart Town.*

BY ELECTRIC TELEGRAPH.

Deloraine, 22nd August, 1876, 11.35.

MR. Henry excavating on West Parade. Has he got a lease? Please reply at Douglas & Collins, Launceston.

HENRY DOUGLAS, Warden, *Deloraine.*

To Deputy Commissioner of Crown Lands.

BY ELECTRIC TELEGRAPH.

Deloraine, 22nd August, 1876, 11.53.

I ORDERED Henry to desist, but he persists. I have ordered an information to be laid against his labourer.

HENRY DOUGLAS, Warden.

To Deputy Commissioner of Crown Lands.

SIR,

Deloraine, 24th August, 1876.

I BEG to inform you that the Superintendent of Police laid an information against one of my men who was employed in digging out for the mill-race on the land leased to me. The case has been heard to-day, and the man has been fined 5s. and costs. I have to request that you will intimate to the Town Surveyor that I hold the land in question, so that I may be enabled to proceed with my work without any further annoyance.

I enclose a copy of the Information for your perusal and edification. I may say that the Solicitor-General is now preparing the lease, but I considered the authority from the Executive which I hold was as good and valid as a lease. Will you please take the necessary steps to place me outside of the petty annoyance I am now subject to by certain persons?

I am, &c.

The Hon. Colonial Secretary.

(Signed) SAMUEL HENRY.

POLICE OFFICE, DELORAINE.

TASMANIA }
TO WIT. }

THOMAS WALSH.

WHEREAS information has this day been laid before me, one of Her Majesty's Justices of the Peace for the Colony of Tasmania, for that you, on the twenty-second day of August, 1876, at Deloraine, in the Municipality of Deloraine in this Colony, did wilfully break up certain soil in a street, to wit on the West Parade, without the permission in writing of the Warden or Town Surveyor: THESE are therefore to command you, in Her Majesty's name, to be and appear before me on Thursday next, 24th instant, at ten o'clock in the forenoon, at Deloraine Police Office, or before such other Justice or Justices of the Peace as may then be there, to answer to the said information and to be further dealt with according to Law.

Given under my hand, this twenty-second day of August, 1876, at Deloraine in the Colony aforesaid.

(Signed) HENRY DOUGLAS, J.P.

(Immediate.)

REFERRED to the Honorable the Minister of Lands and Works. Mr. Henry has been informed that his letter has been so referred.

THOS. REIBEY.
25th Aug. 1876.

Council Chambers, Deloraine, 24th August, 1876.

SIR,

On the 19th instant I addressed a letter to the Deputy Commissioner of Crown Lands respecting the leasing by Mr. Henry of the principal portion of the West Parade on this Township. Such letter should have been addressed to the proper Ministerial Head of the Department, but I apprehended that the Hon. the Minister of Lands for the time was not in Hobart Town.

It will save a recapitulation of the matter of such letter if you be good enough to allow me to refer you to it.

I took the opportunity of requesting that proceedings in the matter be stayed until I could lay before you the opinion of the Municipal Council respecting the leasing of this portion of the West Parade.

As there was no meeting held, and no communication received from your Department sufficient to lay before a meeting, I cannot just yet formally communicate their opinion.

I am now, however, better able to anticipate the attitude which will be assumed by the Council, and to estimate the encroachment attempted upon their rights and the interests of the public. The Council will resist to the utmost the alienation of the area in question to any person or for any period.

As there is a meeting of the Municipal Council called for 11 A.M. on 26th instant, may I request you to be good enough to favour me with such information as may be at your disposal respecting the extent, dimensions, and precise situation of the land applied for; the representations upon which the Government assented to the leasing of this land; and the grounds upon which the Government proposed to interfere with the right of the Municipal Council to order and manage the same?

I may say that I have considerable confidence that the Government will abstain from attempting to disturb the rights of the Municipal Council when once put in possession of the extent to which the interests of the public would be sacrificed by leasing this area.

I have, &c.

(Signed) HENRY DOUGLAS, Warden.

The Hon. the Minister of Lands, Hobart Town.

Council Chambers, Deloraine, 24th August, 1876.

SIR,

I HAVE the honor to call your attention to an alleged claim by Mr. Samuel Henry to the principal portion of the West Parade on this township by virtue of a lease from the crown, and to request you to be good enough to cause me to be supplied with a copy of such lease, if it is granted, by 11 A.M. on 26th instant, at which hour a meeting of the Municipal Council will be in readiness to consider the same.

I have, &c.

(Signed) HENRY DOUGLAS, Warden.

The Hon. the Colonial Secretary.

IMMEDIATE.

FORWARDED to the Honorable the Minister of Lands and Works, who is requested to deal with this matter. This letter has *not* been acknowledged.

THOS. REIBEY,
25th Aug. '76.

Attorney-General's Office, Hobart Town, 25th August, 1876.

SIR,

I BEG to acknowledge the receipt of your letter of the 24th instant, in which you state that Mr. Samuel Henry has laid claim to the principal part of the West Parade by virtue of a lease from the crown.

Under the Act 34 Vict. No. 10, sec. 51, the Governor in Council has power to grant a lease for any period not exceeding ninety-nine years, the right of constructing across crown land water-courses, &c. And by sec. 52 the Governor in Council may lease any portion of a crown reserve for a period not exceeding thirty years for the purpose of the construction of a mill, &c.

It is under these powers that the lease in question has been applied for, and may be granted at the discretion of the Governor in Council. If the Municipal Council have any objections to a lease being granted to Mr. Henry, those objections should be stated to the Hon. the Minister for Lands and Works.

I have, &c.

(Signed) C. HAMILTON BROMBY.

HENRY DOUGLAS, *Esq., J.P., Council Chambers, Deloraine.*

Council Chambers, Deloraine, 29th August, 1876.

SIR,

I HAVE the honor to acknowledge receipt of your letter of 25th instant, in which you inform me that my letter of 24th instant to the Hon. the Colonial Secretary, requesting a copy of the lease to Mr. S. Henry, &c., was referred to you, and requesting me to acquaint you with the grounds upon which the Municipal Council object to such lease being granted.

In reply, I beg to state that there are the East Parade and West Parade along the River Meander in its entire course through the township, and they are intersected by five streets.

These parades—more especially the West Parade, which is of sound dry land on the most populous side of the township—are of the greatest convenience not only to the residents of the township but to the inhabitants of the municipality as pleasant promenades and places of recreation, affording access to the river and fords for all necessary purposes.

The Municipal Council have no property, nor the control of any property, street, or public place as valuable to the public as the portion of the West Parade in question.

The Municipal Council claim these parades as streets of the Township of Deloraine. They have always exercised powers over them consonant with this claim.

Since their rights were interfered with the Council have made a more strict examination of the law, more especially sections 4, 188, and 189 of "The Police Act, 1865."

Sections 51 and 52 of "The Waste Lands Act, 1870," do not apply to these streets or parades.

I have, &c.

(Signed) HENRY DOUGLAS, *Warden.*

The Hon. the Minister of Lands.

FORWARDED to the Honorable the Attorney-General for his advice.

The Hon. the Attorney-General.

C. O'REILLY,
30 August, 1876.

THE Governor in Council clearly has power to grant a lease of the land in question if he thinks fit. The sections referred to by the Warden only relate to the management and control of streets, &c. in the Municipality, not to the title to them. It is a matter within the discretion of the Governor in Council whether this piece of land claimed should be granted or not. Before deciding I think it would be well to ask the Warden to give more definitely his reasons against it, showing how far the site, if built upon, would be a loss to the public, and why this site should be objected to when the other one first applied for was not.

C. HAMILTON BROMBY.
Aug. 31, 1876.

Council Chambers, Deloraine, 7th September, 1876.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 1st instant, informing me that the correspondence on the subject of leasing a portion of the West Parade was referred to the Honorable the Attorney-General, and that he advises as follows:—

The Governor in Council clearly has the power to grant a lease of the land in question if he thinks fit.

The sections referred to by the Warden only relate to the management and control of streets, &c. in the Municipality, not to the title to them.

It is a matter within the discretion of the Governor in Council whether this piece of land claimed should be granted or not.

Before deciding I think it would be well to ask the Warden to give more definitely his reasons against it, showing how far the site if built upon would be a loss to the public; and why this site should be objected to when the other one first applied for was not.

In reply I beg to state, what I have hitherto urged, that these parades are streets of the Township, and therefore the Governor in Council has not, in my opinion, the power to grant a lease of the land in question. If the Governor in Council may grant a lease for one street, he may grant a lease for another. If he may grant a lease for the West Parade he may grant a lease for the East Parade also, and completely deprive the people of the Municipality of the advantages of the river and fords. The Honorable the Attorney-General, in his letter of the 25th ultimo, refers to Section 52 of "The Waste Lands Act, 1870," which empowers the Governor in Council to grant a lease of a Reserve for purposes and on conditions set forth in such section. If these parades, or either of them, have been reserved in pursuance of the provisions of the 12th section of the same Act, or indeed any other Act, will you be good enough to cause me to be furnished with a copy of the instrument by which they have been so reserved?

The Municipal Council have only claimed the power to manage and control the streets in question; but I fail to perceive how the Council could exercise this power, which is given by the Statute Law of the Colony, if the Governor in Council sees fit to grant a lease of them.

If the matter is in the discretion of the Governor in Council, and therefore in the hands of the trustees of the people, may I hope that it will be unnecessary for me to further urge the injustice of alienating to one person, for one person's use and benefit alone, for a nominal consideration, a property so immensely valuable to the people of the Township and Municipality in land and river frontage.

I had hoped that in my letter to you of the 19th ultimo, and in my letters of the 24th and 29th ultimo to the Honorable the Minister of Lands, I had given sufficient and definite reasons against leasing the lands in question. I pointed out that the East and West Parades extended along the River Meander in its entire course through the township, and that these parades are intersected by five streets. I stated at length their great value to the people as places of recreation and pleasant promenades, affording access to the river and fords, and that the Council had no property nor the control of any public place as valuable to the people of the Municipality as the land proposed to be leased. I can only request the Honorable the Attorney-General to do me the favour of suggesting any other reason that he may deem necessary for his satisfaction, and I will have pleasure in supplying it.

The first site, which is situated on a low and occasionally flooded bend in the river, involved only a partial length of race compared with the second site. It was objected to, but not by a majority of the Council. I am free to confess that a mistake was made in entertaining the application at all. That site, however, has been abandoned. The last site appropriates the stone-quarry near the bridge, and involves a race nearly the length of the river's course through the Township. If, by a mistake, the application in respect of the first site was entertained by the Council, I fail to see how that circumstance warrants a very great additional encroachment upon the public property.

I may add that the application for the second site was not submitted to the Municipal Council.

I have, &c.

(Signed) HENRY DOUGLAS, Warden.

The Deputy Commissioner of Crown Lands, Hobart Town.

REFERRED to the Hon. the Attorney-General.

C. O'REILLY.
13th Sept. 1876.

Deloraine, 8th September, 1876.

SIR,

I AM directed by the Worshipful the Warden to forward the enclosed copy of a Petition presented to the Municipal Council on the 4th instant, and to request you to be good enough to lay it before the Hon. the Minister of Lands with the Warden's letter of yesterday, with which it should have been enclosed.

I have, &c.

The Deputy Commissioner of Crown Lands.

(Signed)

J. FITZGERALD, *Council Clerk.*

(Copy.)

Deloraine, August 29, 1876.

To the Worshipful the Warden and Councillors of the Municipality of Deloraine.

GENTLEMEN,

WE, the undersigned Ratepayers, have seen with regret that it has been attempted to alienate to private interests the principal portion of the West Parade, and nearly all the Esplanade along our beautiful river through the Township of Deloraine.

We have seen with pleasure the expression of your determination to resist the encroachment upon the property of the public, and trust that your efforts will be successful in retaining to the people of the district these parades and esplanades, which are not only—even in their present rough state—principal features of beauty in the township and district, but substantial advantages which should be jealously guarded.

We therefore respectfully pray that you, as the guardians of the ratepayers' interests, will not permit any private interests whatever to be vested in these parades.

We have, &c.

(Signed)

D. ROCK.
N. POOLE.
JAMES LOVEJOY.
EDGAR HARRIS.
WILLIAM HARRIS.
JAMES BENNETT.
J. P. GROOM.
WILLIAM WALKER.
DANIEL PICKET.

Deloraine, 30th August, 1876.

SIR,

I AM directed by the Worshipful the Warden to request you will be good enough to supply me with a copy of Mr. Henry's application to lease a portion of the West Parade, and the Memoranda on such application.

I have, &c.

(Signed)

J. FITZGERALD, *Council Clerk.*

The Deputy Commissioner of Crown Lands.

Launceston, 8th September, 1876.

SIR,

ON behalf of the Municipality of Deloraine we have to request the Government will take no further steps in the granting a lease of the Western Parade until the subject is fully investigated.

Whatever may be the opinion of the Attorney-General as to the power of the Government to grant such a lease, we are fully authorised in saying that it would be a perversion of the Act as intended to operate when passed. It was intended to apply only to reserves on the banks of rivers, but not reserves in townships. And when the Government was desirous of closing a street in Launceston an Act of Parliament was obtained; and also, for the very Parade in question, the Railway Company had to obtain an Act of Parliament for the use of a portion of it. As much litigation may be averted by delay, we trust our application may be granted.

Yours, &c.

(Signed)

DOUGLAS & COLLINS.

Hon. C. O'REILLY, Lands and Works, Hobart Town.