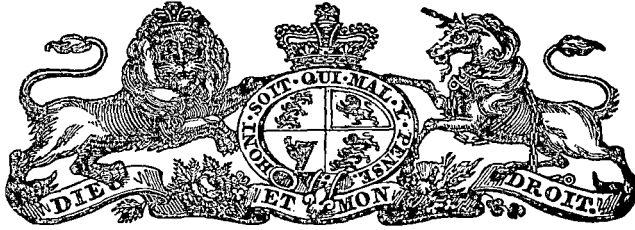


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PARLIAMENT OF TASMANIA.

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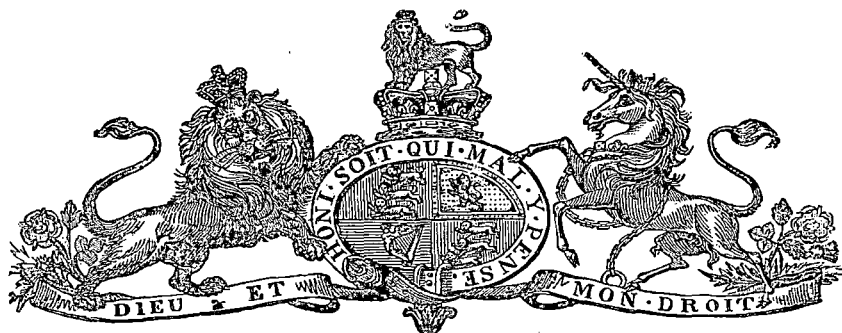
PUBLIC-HOUSE ON ESPLANADE AT STRAHAN :

CORRESPONDENCE.

*Return to an Order of the House of Assembly. (Mr. Hartnoll.)*

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Laid upon the Table by the Minister of Lands and Works, September 20, 1887;  
and ordered by the House of Assembly to be printed, October 13, 1887.



*Long Bay, Macquarie Harbour, 5th January, 1886.*

SIR,

PLEASE find herewith cheque for one pound (£1), fee for an occupation licence at Long Bay, Macquarie Harbour, part of the Esplanade, for Gaffney & Harvey, Long Bay.

Yours, &c.

GAFFNEY & HARVEY.

C. P. SPRENT, *Esq., Deputy Commissioner of Crown Lands.*

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*Crown Lands Office, 14th January, 1886:*

GENTLEMEN,

IN consideration of the sum of £1 paid by you, a licence is hereby issued to you to occupy portion of the Esplanade at Macquarie Harbour for 12 months from the 1st instant, subject to resumption on a three months' notice, without claim to compensation for improvements.

I am, &c.

CHAS. P. SPRENT,  
*Deputy Commissioner Crown Lands.*

*Messrs. GAFFNEY & HARVEY, Strahan.*

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*Strahan, 19th May, 1887.*

SIR,

I BEG most respectfully to report that Mr. J. J. Gaffney is making further improvements on the Esplanade, by building a store adjoining his billiard-room. Mr. F. O. Henry spoke to me on the matter, and asked me had I power as Crown Lands Bailiff to interfere in the matter, and gave me to understand that the Government intended no further improvements should be made. Will you kindly advise me on the matter?

I also beg to report that F. Goring shipped per s.s. *Wakefield* (7) seven pine logs on the 18th instant, which completes his contract with the Government.

There is one log now in Smith's Cove. Capt. McNair would not take it, as it was high and dry. Goring says there are four or five other logs about the bay, but would not be worth shipping.

I am, &c.

RICHARD QUINN, *Crown Lands Bailiff.*

C. P. SPRENT, *Esq.,*

*Deputy Commissioner of Crown Lands, Hobart.*

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*Strahan, 22nd June, 1887.*

SIR,

I RESPECTFULLY beg to draw your attention to a grievance that seems to be tolerated here, which is, that buildings are allowed to be erected on the Esplanade of this place without the slightest restraint. This is a state of affairs with which the residents have just cause to complain. It is most unjust to those who have bought building sites, and, if allowed, will certainly prove detrimental to future land sales.

I have purchased land here with Esplanade frontage upon which I have made valuable improvements, and had to construct a jetty at my own expense, not being able to get free access to the Government jetty in consequence of the buildings standing on or fronting my section. I do not object to buildings which may have been erected prior to the sale of town lots, but I certainly do object that my frontage should be blocked up with buildings since such sales.

This matter was brought under the notice of a former Government, but no notice was taken. I trust you will give this matter your kind attention, and instruct your Bailiff of Crown Lands to prevent the erection of any further buildings.

I have, &c.

F. O. HENRY.

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

P.S.—I understand it is contemplated to build a large hotel on the Esplanade which will take up a large portion of the Esplanade. I would therefore ask you to give the matter your immediate attention.

F. O. H.

*Hobart, 24th June, 1887.*

SIR,

ON the 7th inst. our buildings at Strahan were burned down, and we are anxious to replace them without delay.

The old buildings were built upon ground held under a residence area by us; and we would deem it a favour if you would inform us if any objection would be raised by the Department if we rebuild them, leaving a frontage of 60ft. for a roadway, there being no other site available for the building.

We have, &c.

GAFFNEY & HARVEY.

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

TELEGRAM.

REPLY yours of yesterday. Permission to rebuild given upon understanding that you do not occupy more land than was held by you under residence area for the premises destroyed. Other conditions as usual.

E. N. C. BRADDON.  
25. 6. 87.

*Messrs. GAFFNEY & HARVEY, Cornwall Hotel, Launceston.*

*Crown Lands Office, Hobart, 9th July, 1887.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 22nd ult., on the subject of erection of buildings on Esplanade, Strahan. In reply, I have the honor to inform you that permission was given to Messrs. Gaffney & Harvey on the 25th June, 1887, for them to rebuild, on condition that more land was not occupied than under previous licence. Again, on the 23rd June, 1887, an occupation licence was granted to Mrs. Elizabeth Barber to occupy a cottage already erected on the Esplanade. No further permissions have been granted.

I have, &c.

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

F. O. HENRY, *Esq., Strahan.*

*Launceston, 26th July, 1887.*

SIR,

I AM informed that a large hotel is being erected on Esplanade at Strahan. I consider it my duty to advise you of this, as it appears to me this must be contrary to your orders, you having informed me that "no further buildings would be allowed on Esplanade there."

I have, &c.

F. O. HENRY.

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

30th July, 1887.

F. O. HENRY, Esq., Launceston.

*Buildings on Esplanade at Strahan.*

IN reply, inform him that Messrs. Gaffney & Harvey have permission to rebuild hotel which was burned. Mr. Henry was told this in letter of 9th July.

E. N. C. BRADDON.

*St. John-street, Launceston, 5th August, 1887.*

SIR,

WE have the honor to inform you that we have been requested by Mr. F. O. Henry, of Strahan, to bring under your notice the very serious injury which is being done to him by the continuance of the permission granted by the Governor in Council to Messrs. Gaffney & Harvey to occupy part of the Esplanade at Long Bay, Macquarie Harbour, for the purpose of erecting an hotel thereon, and beg leave to make the following representations on the subject:—

1. We presume that the licence or permission was granted under colour of the 50th Section of "The Waste Lands Act," which enables the Governor in Council to *lease* any land adjoining a navigable river or the sea for the purpose of constructing wharves, jetties, docks, or other works of public utility or convenience. We respectfully submit that the Governor acted *ultra vires* in granting a licence or permission instead of a lease, and in granting such permission for a purpose not contemplated by the Act. The works of public utility or convenience within the purview of the Act must be such as are specified, or others *ejusdem generis*, and cannot be strained to comprise public-houses.

2. As a township has been laid out at Strahan, where allotments may be purchased at moderate prices, there was no necessity for granting an exceptional privilege to Messrs. Gaffney & Harvey, and placing other persons who had purchased allotments at a disadvantage.

3. The public-house recently burnt down was a standing menace to Mr. Henry's store, erected on the purchased allotment at the rear of it, and to the valuable stock of goods therein, and when the fire occurred Mr. Henry's premises were in great danger, and with difficulty saved from being destroyed with their contents. The store and stock were valued at £4000, and are only insured to half that amount. Hotels or public-houses erected in such localities as Long Bay, and frequented by a mining population, are generally constructed of very inflammable materials, and liable to more than ordinary risks. It is understood that the fire at Messrs. Gaffney & Harvey's was caused by an intoxicated miner setting fire to the scrim lining of a bed-room.

4. Messrs. Gaffney & Harvey's new public-house is being erected so as to interfere with the right of access on the part of the public to the Government jetty at Long Bay, and it is thus depriving Mr. Henry and others of the full advantage of a work of undoubted utility and convenience.

We trust that, on due consideration of the above representations, His Excellency the Governor in Council will be pleased to cause it to be intimated to Messrs. Gaffney & Harvey that the permission to occupy heretofore granted to them cannot be continued.

We have, &amp;c.

RITCHIE &amp; PARKER.

The Hon. E. N. C. BRADDON, Esq.,  
Minister of Lands and Works, Hobart.

*St. John-street, Launceston, 11th August, 1887.*

SIR,

WE have the honor to inform you that Mr. F. O. Henry has requested us to again address you, and to call your attention to the subject of our letter of the 5th inst.

Mr. Henry has desired us also to state that the public-house which is in course of being re-erected by Messrs. Gaffney & Harvey on the Esplanade at Long Bay is at present only partly in frame, and that it would involve far less cost to remove it now than after it has been completed, and that it is therefore desirable that notice should be given as early as possible that the building must be removed.

We think there can be no doubt but that the erection of such a building on the Esplanade is quite unwarranted by law, although Messrs. Gaffney & Harvey may have innocently supposed that it was legal under the official licence which they hold; and Mr. Henry therefore considers that as the licence apparently induced Messrs. Gaffney & Harvey to build on the Esplanade, and he will suffer considerable injury and possibly sustain great damage by the erection of the building, it is the duty

of the Government to protect his interests. We have further to call your attention to the fact not long since the whole of the township at Trial Harbour was swept away by a fire which originated in a somewhat similar way to that which occurred recently at Long Bay, and which last placed Mr. Henry's valuable premises and stock-in-trade, as well as most of the township buildings, in imminent peril. If such a catastrophe were repeated (after the warnings which have been given) at Long Bay, the Government would certainly be held morally, if not legally responsible.

We beg further to mention that Mr. Henry is quite determined, if the Government should not think fit to move in the matter, to seek the legal redress which he can obtain by taking the necessary proceedings; though he is extremely averse to doing anything which might prove embarrassing to the Government.

We have, &c.

RITCHIE & PARKER.

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

FORWARDED to the Hon. the Attorney-General in connection with previous correspondence forwarded on 13th instant.

E. N. C. BRADDON.  
12. 8. 87.

FORWARDED to the Solicitor-General, to whom the previous correspondence has been forwarded.

F. STOPS, *Secretary*.  
16. 8. 87.

*Solicitor-General's Office, 16th August, 1887.*

#### GAFFNEY & HARVEY'S CONTRACT.

THE original Licence was granted 14th January, 1886.—See letter of that date to Messrs. Gaffney & Harvey. A building erected by the Licensees was burnt down, and by letter of 24th June, 1887, they apply for leave to rebuild (upon the ground held under a "residence licence," as they term it), leaving a frontage of 60ft. for a roadway.

The desired permission was given by telegram, signed by the Minister, and dated 25th June, 1887, provided that the Licensees were not to occupy more land than was held by them under the original Licence for the premises destroyed.

The Licences were granted under Regulation 44, purporting to be made under Waste Lands Acts, 1870 and 1881.

I am unable to ascertain under what particular section the Regulation was framed, but I apprehend that it was under the general power conferred by Sect. 5 of 34 Vic. No. 10. A doubt may be suggested as to whether the Regulation is *ultra vires* of the Act, but assuming it to be quite lawful (as the Licence has been granted and paid for, the Crown should uphold it, if possible), then the question resolves itself into one of expediency for the consideration of the Department.

If I am asked to express an opinion upon the matter, I would point out that the Regulation in question refers rather to the erection of *temporary* buildings than to buildings of the nature indicated. Although the land may be resumed at three months' notice, without granting compensation for improvements, it is most probable that if the occupation goes on from year to year, and valuable buildings are erected, a strong moral claim for compensation will arise, and it will be found practically impossible to resist such a claim.

Then it is said that the right of access to the Government Jetty is interfered with. This certainly ought not to be allowed. Under the circumstances of the case, I would suggest that a telegram be sent to Messrs. Gaffney & Harvey to stop the work, and that an official report be obtained as soon as possible upon the circumstances of the case, so that the Minister may be in a better position to judge of the matter.

Mr. Ritchie appears to be under the impression that the permission was granted under Sect. 50 of the Waste Lands Act, but that is not so.

ALFRED DOBSON.  
16th Aug. '87.

THE Minister orders building to be stopped pending further orders, and advises that considerable risk will be incurred in erecting permanent or expensive buildings, as licence may be terminated at any time on three months' notice, without compensation for improvements.

ALBERT REID, *Crown Lands Office.*  
17. 8. 87.

Messrs. GAFFNEY & HARVEY, *Strahan.*

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REPORT as soon as possible as to interference with access to jetty by Messrs. Gaffney & Harvey at Strahan.

ALBERT REID, *Crown Lands Office.*  
17. 8. 87.

R. QUINN, *Crown Bailiff, Strahan.*

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MESSRS. Gaffney & Harvey have been warned to stop building at Strahan pending further orders from Minister of Lands.

ALBERT REID, *Crown Lands Office.*  
17. 8. 87.

Messrs. RITCHIE & PARKER, *Launceston.*

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*Strahan, 24th August, 1887.*

SIR,

I BEG to acknowledge receipt of telegram dated the 17th instant *re* interference with access to jetty by Messrs. Gaffney & Harvey, at Strahan. I have the honor to report that I cannot see that Gaffney & Harvey interfere in any way with access to the Government Jetty. I have never heard any complaints, nor have I seen the public road or Esplanade obstructed so that a team could not pass. The new building now being erected by Messrs. Gaffney & Harvey is further back from high-water mark than the building that was burned down, consequently they have left more frontage. To erect the new building they had to excavate more of the hill. The earth taken from the hill was put below high-water mark, reclaiming more frontage. In this case I cannot see that they interfered with anyone or access to Government Jetty. They have timber, bricks, and iron stacked on the Esplanade for building purposes, but do not interfere with public road, Esplanade, or access to jetty.

I have, &c.

RICHARD QUINN, *Crown Lands Bailiff.*

*The Deputy Commissioner of Crown Lands, Hobart.*

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*Hobart, 26th August, 1887.*

SIR,

YOUR wire of the 17th inst. to hand, ordering building of my hotel at Long Bay to be stopped.

I most respectfully beg that as the building will be completed in about ten days, and as I have had to bring most of the tradesmen for the building from Launceston, that you will withdraw the order to cease operations.

Should you be pleased to grant my request, I will guarantee to take all risk of the removal of the whole building.

I have, &c.

JAS. J. GAFFNEY.

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

P.S.—My address will be "Terminus Hotel, Launceston," from to-morrow.

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As you take all risk, I withdraw order stopping your building.

E. N. C. BRADDON.  
27.8.87.

*Mr. JAMES J. GAFFNEY, Terminus Hotel, Launceston.*

*Launceston, 1st September, 1887.*

SIR,

WE have the honor to inform you that we have received a letter from Mr. F. O. Henry, of Strahan, dated the 25th ult., in which he states that Messrs. Gaffney & Harvey are still proceeding with their building on the Esplanade at Long Bay.

We regret to have to trouble you again so soon after our recent communications on this subject, but are compelled to do so, as the matter is one of considerable importance to Mr. Henry. Messrs. Gaffney & Harvey appear to be acting not only in defiance of the *Gazette* notice which appeared long since warning all persons against building on the Esplanade, but in contempt of the order lately issued from your office.

We have, &c.

RITCHIE & PARKER.

*The Hon. E. N. C. BRADDON, Esq.,  
Minister of Lands and Works, Hobart.*

*Crown Lands Office, 8th September, 1887.*

GENTLEMEN,

IN reply to your letter of the 1st inst., I have the honor to inform you that, after due inquiry through the Bailiff of Crown Lands, the order staying Messrs. Gaffney & Harvey's building operations at Strahan has been cancelled.

I have, &c.

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

*Messrs. RITCHIE & PARKER, Launceston.*