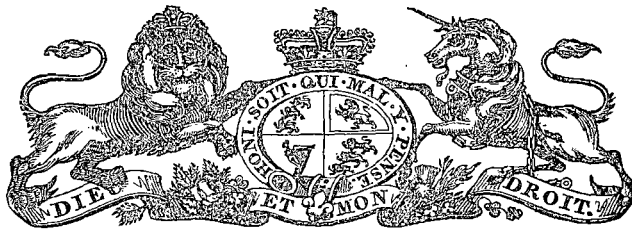


(No. 143.)



1878.

TASMANIA.

HOUSE OF ASSEMBLY.

DELORAINÉ AND EXTÓN ROAD DISTRICTS.

CORRESPONDENCE HAVING REFERENCE TO ALTERATIONS
OF BOUNDARIES.

Laid upon the Table by the Minister of Lands, and ordered by the House to be
printed, June 3, 1879.



Exton, 21st September, 1877.

SIR,

I RESPECTFULLY wish to remind you that a deputation, consisting of Messrs. Rooke, Valentine, and myself, waited upon you at the Public Buildings, Launceston, on Monday, 3rd instant, with reference to the recent alterations in the boundary of the Exton Road District. Trusting you will give this matter your early consideration,

I have, &c.

DANIEL BURKE, *Chairman of Exton Road Trust.*

Hon. Minister of Lands and Works, Hobart Town.

Lands and Works Office, 24th September, 1877.

SIR,

I AM desired by the Hon. the Minister of Lands and Works to acknowledge the receipt of your letter of the 21st instant, on the subject of redefining the boundaries of the Exton Road District, and to acquaint you, in reply, that the matter shall receive early attention.

Mr. Brown desires me to say that he was prepared to deal with the question immediately after the interview with the deputation if he had had the matter before him in writing, which you promised to have done.

I have, &c.

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

D. BURKE, *Esq., Chairman Exton Road Trust, Exton.*

GOVERNMENT NOTICE.

No. 31.

Lands and Works Office, 22nd January, 1878.

NOTICE is hereby given, that His Excellency the Governor has received a Petition from the Ratepayers of the Road District of Exton, praying that the boundaries of the Road District of Deloraine may be redefined so as to include portions of that District in the Exton Road District, a compliance with which will make the following alterations in the Road Districts of Deloraine and Exton:—

ROAD DISTRICT OF EXTON.

Commencing at the east angle of a grant to Sarah Munce, Sarah Maria Munce, Elizabeth M. Munce, and R. H. Munce on the Meander River, and bounded by the north-east boundary of that grant and by a north-westerly line to the south-east angle of Lot 2348, by the east boundary of that lot and a north-easterly line along the Road District of East Mersey to the south-west angle of the Parish of Mariland, thence by the Road District of Westwood to the Meander River by that river after crossing the same to its junction with Quamby's Brook, thence by that brook to the north boundary of Lot 283 purchased by Samuel Fox, by that boundary and by the north boundary of land purchased by J. Carr, by the west boundary of land purchased by M. Hayes and by a northerly line to land purchased by H. Gaffney, by the west boundary of that land by the south boundaries of lands purchased by J. Leach, D. Bligh, and J. S. Youd respectively to Lot 2184 purchased by John Field, by part of the south-east and by the north boundary of that lot and by part of the south-east boundary of a grant to Pearson Foote, by the south-east and by part of the north-east boundary of a grant to E. P. Butler and R. W. Nutt, by the south-east and by part of the north-east boundary of the Town of Deloraine and by the east boundary of Lot 277 purchased by Pearson Foote to the Meander River aforesaid, and thence by that river recrossing the same to the point of commencement.

ROAD DISTRICT OF DELORAINE.

Commencing at the east angle of a grant to Sarah Munce, Sarah Maria Munce, Elizabeth M. Munce, and R. H. Munce on the Meander River, and bounded by the north-east boundary of that grant and by a north-westerly line to the east angle of 50 acres purchased by William Smith, by the north-east, north-west, and by part of the south-west boundaries of that lot, by the north-west and south-west boundaries of land purchased by M. O'Brien, and by the north-west boundaries of lots purchased by M. Macnamara and J. Brien respectively, thence by a south-westerly line to the north angle of 400 acres purchased by W. D. Kingswell, by the north-east boundary of that land by the north-west and north-east boundaries of 640 acres purchased by James Winter, thence south-westerly for a distance of about 40 chains also along that land, thence by a line at right angles with the last line extending through Lot 429 purchased by J. D. Mackay and W. Kenny to the Town of Deloraine, by part of the north-west and south-west boundaries of that town to the Meander River, by that river to the south boundary of 2560 acres granted to Thomas Archer, by that boundary and a continued westerly line through 320 acres also granted to Thomas Archer, thence due south for 106 chains along another grant of 2560 acres to Thomas Archer, thence again due west to a location to Robert Bostock since granted to David Gibson, thence to the south-east angle thereof and by its south boundary westerly to the Dairy Rivulet by that rivulet to its source, thence by a line to Lake Meander at the source of the Meander River by that river for about two miles, thence by a north-easterly line to the source of the River Liffey by a line from thence to the source of Quamby's Brook, by that brook to the north boundary of Lot 283 purchased by Samuel Fox, by that boundary and by the north boundary of land purchased by J. Carr by the west boundary of land purchased by M. Hayes and by a northerly line to land purchased by H. Gaffney, by the west boundary of that land, by the south boundaries of lands purchased by J. Leach, D. Bligh, and J. S. Youd respectively to Lot 2184 purchased by John Field, by part of the south-east and by the north boundary of that lot, by part of the south-east boundary of a grant to Pearson Foote, by the south-east and by part of the north-east boundary of a grant to E. P. Butler and R. W. Nutt, by the south-east and part of the north-east boundary of the Town of Deloraine and by the east boundary of Lot 277 purchased by Pearson Foote to the Meander River aforesaid, and thence by that river recrossing the same to the point of commencement.

Any Trustee or Ratepayer who has good and sufficient reason to show why the prayer of the said Petition should not be granted, must address the Minister of Lands and Works within One month from this date.

By His Excellency's Command,
NICHOLAS J. BROWN.

Deloraine, 1st March, 1878.

SIR,

THE Trustees of Deloraine District deeming that the question of alteration of the boundaries of their district could not be satisfactorily dealt with in the petition, (which you will receive per same mail, on account of the great and undesirable length to which the petition must have been extended), have requested me to address to you the following further reasons why no alteration should be made.

1. The principal reason alleged in the petition from Exton is, "That the rates and tolls of Exton District are mortgaged to the extent of Four hundred Pounds, and so long as that obligation lasts it would be unfair to the remaining portion of the ratepayers to reduce the area of the district." In answer to this I would respectfully urge: That this toll has been in existence many years; that before the opening of the Launceston and Western Railway the receipts must have been very considerable; that in the years 1875-6 the receipts from tolls averaged £84 10s. per annum,—which, after paying interest at the rate of £9 per cent. per annum, would leave a balance of £97 to credit in the two years; that in the face of the continuous favourable balance no effort has been made by the Exton Trust to reduce the liability, either by the creation of a sinking fund or by the payment of a portion of the principal; and further, that about one-third of the main road, for the benefit of which the toll was erected, is now included in and kept in repair by the Deloraine Road Trust.

2. The second reason in the Exton petition is, "That within the last few years the Trustees of the Exton Road District have expended a large sum of money in purchasing land, erecting fencing, and constructing a road through the Retreat Estate, for the use and benefit of the ratepayers in that neighbourhood; that so much money having been expended in that locality, to a certain extent to the prejudice of the ratepayers in other portions of the district, it would be unfair now to cut off that portion of the district."

The Deloraine Trust have no means of ascertaining the exact amount expended on the road in question; but they are aware that not more than 15 chains of metalled road had been made on that road up to the date of the division of the district, and but a small part of the fencing completed, notwithstanding the fact that seven years had elapsed since the purchase and opening of the road; while owing to the loose manner in which the arrangements for the purchase of the land were made, Mr. Rooke was able to set this Trust at defiance, and to close the land, though not before the Deloraine Trust had constructed about 15 chains of metalled road, at a cost of more than £100, through this very property,—and this within the first year that that portion of the district had been annexed; and further, that the new road opened by the Government through the property of Mr. Field and others will be a more convenient and nearer line than that through the Retreat property,—and this Trust are prepared to do their utmost to make the new road thoroughly available.

In closing I would venture to remark: that both the reasons urged in the Exton petition were equally forcible at the time the district was divided; that the matter has already been considered and

decided by two successive Ministers; and the Deloraine trustees venture to believe that you will, (taking the reasons assigned in this letter in conjunction with those urged in the petition from Deloraine), find that no necessity exists for any alteration.

I have, &c.

JOHN SHEPHERD, *Chairman Deloraine Road Trust.*

Hon. N. J. BROWN, *Esq., Minister of Lands.*

REFERRED to the Chairman of the Exton Road Trust for his observations.

NICHOLAS J. BROWN.
29. 4. '78.

To His Excellency the Honorable FREDERICK ALOYSIUS WELD, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, Governor-in-Chief of the Colony of Tasmania and its Dependencies.

The humble Petition of the undersigned Ratepayers of the Road District of Deloraine.

RESPECTFULLY SHOWETH :

1. That your Petitioners have heard with surprise that it is in contemplation to redefine the boundary of the Exton Road District so as to include part of the Deloraine Road District.

2. That on the 7th July, 1875, a numerously signed petition was presented to you, praying that a portion of the Exton Road District might be annexed to the Deloraine Road District.

3. That although the proposed alterations were gazetted on 24th August, 1875, no further steps were taken to have them confirmed by Proclamation until the 21st February, 1876, so that every opportunity was given to the ratepayers to petition against such proposed alterations; but no such petition was sent or any other opposition offered by a single ratepayer residing in the portion of the district affected.

4. That in June, 1876, a petition was adopted at a public meeting held at Exton, and signed by about 40 ratepayers residing in the District of Exton, and a few others residing in the part annexed to Deloraine.

5. That your Petitioners believe that the said petition has already received the consideration of the Hon. William Moore, and his successor the Hon. C. O'Reilly; and your Petitioners contend that the period (nearly two years) since the document in question was signed renders it of no value. Your Petitioners believe that the same petition is now again presented, although one of the petitioners is dead and several others have removed to other parts of the Colony.

6. Your Petitioners further respectfully urge that the portion of the District now proposed to be reannexed to the Exton Road District is within the boundaries of the Deloraine Municipality.

7. That all the roads in the said portion of district are leading to Deloraine, which is the natural outlet for the produce of the district.

8. That your Petitioners have no interest in common with the other portions of the Exton Road District.

9. That the Government have expended about Two hundred Pounds in compensation for land taken for a road leading from the south-east end of the Deloraine Township to the Arms of the Creek and Quamby's Bluff; and also about Fifty Pounds compensation to open a road to Reedy Marsh through Donovan's land on the north east of Deloraine.

10. That such roads are of the greatest importance to the ratepayers in the portion of district sought to be re-annexed to the Exton Trust, and also to the ratepayers of Deloraine; and your Petitioners believe that the said roads will not be improved or kept in repair if under the control of the Exton Road Trustees, they having no interest in the roads in question.

11. Your Petitioners therefore humbly pray that the boundaries of the Deloraine Road District may not be altered.

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

[Here follow 71 Signatures.]

REFERRED to the Hon. the Minister of Lands and Works.

B. TRAVERS SOLLY.
7 March, '78.

Deloraine, 2nd May, 1878.

SIR,

I HAVE the honor to report for the Hon. the Minister's private information the following details respecting the Exton and Deloraine Road District boundaries.

1. I must excuse myself for the delay in sending this Report, which has been unavoidable in consequence of my wish and endeavour to get the particulars of an Agreement made some years ago, between the Exton Road Trust and Mr. Rooke, with regard to the legality of the proceeding whereby a road was opened through the Retreat Estate then occupied by Mr. Rooke, and which road Mr. Rooke has since closed in defiance of the Trustees; and as the Trustees have failed to produce any evidence that the said road had ever been proclaimed a Cross Road, or even a Bye-road, in accordance with and as required by the Roads Act, and the Trustees by the same Roads Act had no legal power to expend a large sum of the Ratepayers' trust money on a road which had not been reserved as a road by Government, or yet proclaimed in accordance with the Road Act by the Road Trustees.

Notwithstanding the large amount of money expended on this road Mr. Rooke has closed it, showing conclusively, I think, that it is not a public road. But again, even if it was a Cross Road, it would not affect the merits of the question. If this road was purchased through private property and continued to the settlements in Quamby's Vale, it would increase the length of road between two and three miles to Deloraine, and be more costly to make than the one now being opened and cleared by the Government, which goes direct from Deloraine to the settled district.

2. As far as the toll-gate in the Exton District is concerned it ought, I think, to have been swept away at the same time when the others were taken off. The road with the present traffic requires little to keep it in repair, but the Exton Trust prefer rating themselves at sixpence and keeping the toll-gate on. This is not liberal if even just, as the adjoining Road District of Deloraine has uniformly rated itself at one shilling; hence those ratepayers immediately joining the Main Road prefer being in Exton Road District and leaving the back settlers out in the cold, although they helped to make the Main Road.

3. If you will refer to the Government Chart of Westmorland you will at once perceive that a large number of small settlers have taken up most of the Crown Land to the south and south east of the Township of Deloraine, extending some 10 miles up the valley of Quamby Brook. These men had no direct road to Deloraine, their nearest market, and could get there only by sufferance, causing no end of broils; and they had just grounds of complaint for neglect. The road, however, now being opened by the Government will go direct to this district, and if it remains in the Deloraine Trust will, I have no doubt, soon be made sufficient for the traffic. In fact I think it of the greatest importance to this part of the County of Westmorland (so long neglected) that it should remain in the Road District of Deloraine, or its prosperity may be indefinitely deferred. Moreover, there is still a scope of good Crown land further south, which this Road, if made, would be the means of opening up.

In trying to fathom the bottom of this controversy I have found a very bitter feeling exists between some parties, altogether beside the question, and which it would be useless to notice; but having heard all I could on each side, and having no personal interest in the matter, I am constrained to say that it will be greatly to the interest of the great majority of the inhabitants to remain in the Deloraine Road District as at present defined, and I think only justice as well as policy.

I have, &c.

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

CHAS. J. SMITH.

Exton Road Trust, 10th May, 1878.

SIR,

I HAVE the honor to acknowledge the receipt of the Petition from the Ratepayers of the Road District of Deloraine, with the explanatory letter of the Chairman of the Deloraine Road Trust, in the matter of the proposed restoration to the Exton Road District of that area which was severed from it in February, 1876, which document you have kindly referred to me for my observations. In reply, dealing first with the Petition, I beg leave to state that Petitioners are incorrect in stating that no opposition was offered to the original alteration by the Exton Ratepayers. The records of your office will show that very strong protest was made in October, 1875, against such alteration by the Trustees of the District on behalf of the Ratepayers; but in some way that protest was overlooked, and did not, as stated in the 5th paragraph, receive the consideration of the Hon. Wm. Moore and the Hon. C. O'Reilly.

Then, as to paragraph No. 7, the roads in the portion of the district in question do not lead exclusively to Deloraine, nor more to that township than to Exton or elsewhere; in fact, the true outlet for all those who use them is Exton, which would be their nearest post, telegraph, and railway station.

As to paragraph No. 10, Petitioners have no warrant for believing that the roads affected will not be improved or kept in repair by the Exton Road Trust: such a statement is obviously mere supposition, and of no value in determining the question at issue.

In addition to the above, I would point out only 13 of the names on the Petition are those of persons residing or having property in the disputed area; the remaining names are those of residents of the Township of Deloraine, the majority of whom, I venture to affirm, are in no way practically interested in the roads in the portion of the district referred to.

In reference to the Chairman's explanatory letter, I have to remark that it contains so many statements which are inconsistent with fact that I need hardly reply to it further than to assert that the reasons assigned in the Petition of the Exton Ratepayers of June, 1876, are strictly true, and that the same reasons then urged, why the boundaries of the original Exton Road District should not be disturbed, now apply with equal force as an argument that, having been (against the wish of the Ratepayers) so disturbed, they should now be restored.

I have, &c.

DANIEL BURKE, *Chairman Exton Road Trust.*

The Hon. the Minister of Lands.

Lands and Works Office, 13th May, 1878.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 10th instant on the subject of the redefining of the boundaries of the Deloraine and Exton Road Districts, and to acquaint you that on return of the Honorable the Minister of Lands and Works from the North West Coast I will lay the same before him for consideration.

I have, &c.

H. J. HULL.

D. BURKE, *Esq., Chairman Exton Road Trust.*

MEMO.

WILL the Solicitor-General be good enough to prepare Proclamation redefining the boundaries of the Exton Road District for signature on Monday.

H. J. HULL.

22nd June, 1878.

The Solicitor-General.

THE Proclamation herewith.

ROBT. P. ADAMS.

24th June, 1878.

The Hon. the Minister of Lands and Works.

MINUTE PAPER FOR THE EXECUTIVE COUNCIL.

Lands and Works Office, Hobart Town, 24th June, 1878.

SUBMITTED,

THAT it is expedient to alter and redefine the boundaries of the Road Districts of Exton and Deloraine, in accordance with the provisions of Sec. 3, Clause 4, 33 Vict. No. 8.

NICHOLAS J. BROWN, *Minister of Lands and Works.*

THE Governor in Council approves.

E. C. NOWELL.

24. 6. 78.

ROAD DISTRICT OF EXTON.

By His Excellency FREDERICK ALOYSIUS WELD, *Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Tasmania and its Dependencies.*

A PROCLAMATION.

WHEREAS it is expedient to alter the boundaries of the Road District of Exton and to redefine the same: Now therefore I, FREDERICK ALOYSIUS WELD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief as aforesaid, by and with the advice of the Executive Council, do hereby, in pursuance of the power and authority in me vested by "The Cross and Bye Roads Act, 1870," notify and proclaim that I do hereby alter and redefine the boundaries of the said Road District of Exton, and do hereby proclaim and declare that the said Road District shall henceforth be comprised within the boundaries following; that is to say,—

Commencing at the east angle of a grant to Sarah Munce, Sarah Maria Munce, Elizabeth M. Munce, and R. H. Munce on the Meander River, and bounded by the north-east boundary of that grant and by a north-westerly line to the south-east angle of Lot 2318, by the east boundary of that lot and a north-easterly line along the Road District of East Mersey to the south-west angle of the Parish of Marland, thence by the Road District of Westwood to the Meander River by that river after crossing the same to its junction with Quamby's Brook, thence by that brook to the north boundary of Lot 283 purchased by Samuel Fox, by that boundary and by the north boundary of land purchased by J. Carr, by the west boundary of land purchased by M. Hayes and by a northerly line to land purchased by H. Gaffney, by the west boundary of that land by the south boundaries of lands purchased by J. Leach, D. Bligh, and J. S. Youd respectively to Lot 2184 purchased by John Field, by part of the south-east and by the north boundary of that lot and by part of the south-east boundary of a grant to Pearson Foote, by the south-east and by part of the north-east boundary of a grant to E. P. Butler and R. W. Nutt, by the south-east and by part of the north-east boundary of the Town of Deloraine and by the east boundary of Lot 277 purchased by Pearson Foote to the Meander River aforesaid, and thence by that river recrossing the same to the point of commencement.

Given under my hand at Hobart Town, in Tasmania aforesaid, this twenty-fourth day of June, one thousand eight hundred and seventy-eight.

FRED. A. WELD.

By His Excellency's Command,

NICHOLAS J. BROWN, *Minister of Lands and Works.*

ROAD DISTRICT OF DELORAINÉ.

By His Excellency FREDERICK ALOYSIUS WELD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Tasmania and its Dependencies.

A PROCLAMATION.

WHEREAS it is expedient to alter the boundaries of the Road District of Deloraine and to redefine the same: Now therefore I, FREDERICK ALOYSIUS WELD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief as aforesaid, by and with the advice of the Executive Council, do hereby, in pursuance of the power and authority in me vested by "The Cross and Bye Roads Act, 1870," notify and proclaim that I do hereby alter and redefine the boundaries of the said Road District of Deloraine, and do hereby proclaim and declare that the said Road District shall henceforth be comprised within the boundaries following; that is to say,—

Commencing at the east angle of a grant to Sarah Munce, Sarah Maria Munce, Elizabeth M. Munce, and R. H. Munce on the Meander River, and bounded by the north-east boundary of that grant and by a north-westerly line to the east angle of 50 acres purchased by William Smith, by the north-east, north-west, and by part of the south-west boundaries of that lot, by the north-west and south-west boundaries of land purchased by M. O'Brien, and by the north-west boundaries of lots purchased by M. Macnamara and J. Brien respectively, thence by a south-westerly line to the north angle of 400 acres purchased by W. B. Kingswell, by the north-east boundary of that land, by the north-west and north-east boundaries of 640 acres purchased by James Winter, thence south-westerly for a distance of about 40 chains also along that land, thence by a line at right angles with the last line extending through Lot 429 purchased by J. D. Mackay and W. Kenny to the Town of Deloraine, by part of the north-west and south-west boundaries of that town to the Meander River, by that river to the south boundary of 2560 acres granted to Thomas Archer, by that boundary and a continued westerly line through 320 acres granted to Thomas Archer, thence due south for 106 chains along another grant of 2560 acres to Thomas Archer, thence again due west to a location to Robert Bostock since granted to David Gibson, thence to the south-east angle thereof and by its south boundary westerly to the Dairy Rivulet by that rivulet to its source, thence by a line to Lake Meander at the source of the Meander River, by that river for about two miles, thence by a north-easterly line to the source of the River Liffey, by a line from thence to the source of Quamby's Brook, by that brook to the north boundary of Lot 283 purchased by Samuel Fox, by that boundary and by the north boundary of land purchased by J. Carr, by the west boundary of land purchased by M. Hayes, and by a northerly line to land purchased by H. Gaffney, by the west boundary of that land, by the south boundaries of lands purchased by J. Leach, D. Bligh, and J. S. Youd, respectively to Lot 2184 purchased by John Field, by part of the south-east and by the north boundary of that lot, by part of the south-east boundary of a grant to Pearson Foote, by the south-east and by part of the north-east boundary of a grant to E. P. Butler and R. W. Nutt, by the south-east and part of the north-east boundary of the Town of Deloraine, and by the east boundary of Lot 277 purchased by Pearson Foote to the Meander River aforesaid, and thence by that river recrossing the same to the point of commencement.

Given under my hand at Hobart Town, in Tasmania aforesaid, this twenty-fourth day of June, one thousand eight hundred and seventy-eight.

FRED. A. WELD.

By His Excellency's Command,

NICHOLAS J. BROWN, *Minister of Lands and Works.*