

(No. 45.)



1875.

TASMANIA.

HOUSE OF ASSEMBLY.

UPPER DERWENT ROAD TRUST.

CORRESPONDENCE RELATIVE TO GRANT IN AID.

Laid upon the Table by the Minister of Lands and Works, and ordered by the House to be printed, August 10, 1875.



Upper Derwent Road Trust, 28th January, 1875.

SIR,

IN herein enclosing for your approval the Assessment Roll of the Upper Derwent Road Trust for the past year, I beg to apply for the Grant in aid from Government to this Trust. The sum collected as shown in the Assessment Roll amounts to £215 6s. 0d., having been levied at the rate of One Shilling in the Pound on the annual value of property within the Road District.

I have the honor to remain,
Sir,

Your obedient Servant,

J. T. READ, *Chairman of the Trust.*

The Hon. the Colonial Treasurer.

FORWARDED to the Auditor for examination.

WM. H. WINDSOR, *Assistant Colonial Treasurer.*
15. 2. 75.

THIS claim appears to be based on a special Rate of 9d. in the pound, and is questionable whether it can be admitted, as it is not shown for what purpose the Ninepenny rate was raised. At page 2 of the Roll, 18s. has been omitted.

W. LOVETT,
Audit Office, 26th February.

The Assistant Colonial Treasurer.

FORWARDED to the Chairman with reference to Colonial Auditor's Memo.

WM. H. WINDSOR, *Assistant Colonial Treasurer.*
10. 3. 75.

18s. already included in the amount paid over by the New Norfolk Road Trust.

J. T. READ, *Chairman of Upper Derwent Road Trust.*

Upper Derwent Road Trust, 29th March, 1875.

SIR,

HAVING had the Assessment Roll of the Upper Derwent Road Trust returned to me, with the following note on the back of my application for the Grant in aid,—“The claim appears to be based upon a special Rate of 9d. in the pound, and is questionable whether it can be admitted, as it is not shown for what purpose the Ninepenny rate was raised;” also a note for the insertion of a sum of 18s., one of those amounts which were collected by the New Norfolk Road Trust for property through which the dividing line of the two Districts passes.

I beg to state in explanation of this, that the amount was included in the sum shown as half the Rates paid over by the New Norfolk Road Trust; but our Collector neglected to carry it out into the £ s. d. column, and then pass a line through the amount, as he has done with the others for places similarly situated, although it was noted and underlined.

In reference to the former note, I have been instructed by the Trust to state that the same Rate has been collected since 1869, and that no objection has been hitherto made in paying the Grant in aid on the total Rate; that the sum of £1000 was borrowed from Messrs. W. and R. Shoobridge, and expended on the Road; that by the special Rate of 9*d.*, the principal and interest have been in course of liquidation; that no consideration on the sum raised (besides the Government Grant in aid on the full Rate collected) has been received; that the Trust, relying on the payment of the Grant in the usual way, have undertaken work for which payment is waiting, and other works are urgently required, so that the delay in the payment causes great inconvenience to the Trust.

Begging your earliest consideration of the above matter,

I have the honor to remain,

Sir,

Your obedient Servant,

JOHN T. READ, *Chairman.*

The Hon. the Colonial Treasurer.

FORWARDED to the Colonial Auditor.

WM. H. WINDSOR, *Assistant Treasurer.*
2. 4. 75.

Upper Derwent Road Trust.

WILL the Honorable the Colonial Treasurer oblige the Colonial Auditor by obtaining the opinion of the Law Officers on the enclosed papers, as to whether the Road Trust can make a claim upon the Government for a special Rate under the 100th Section of Act of Parliament, 34 Vict. No. 10, under the circumstances named in the letter from the Chairman of the 29th March, 1875?

W. LOVETT.

Audit Office, 8th April, 1875.

The Hon. the Colonial Treasurer.

Colonial Treasury, 9th April, 1875.

SIR,

REFERRING to your letter of the 29th ult. in reference to a claim for Grant in aid for the Upper Derwent Road Trust upon a special Rate levied to pay interest upon a loan of £1000 effected by the Trustees, I have to request that you will be good enough to furnish me with full particulars respecting the loan referred to, stating for what purpose the amount has been raised, the date of the loan, the rate of interest paid, &c.

I have, &c.,

FRED^K. M. INNES.

J. T. READ, *Esq., Chairman Upper Derwent Road Trust,*
New Norfolk.

Upper Derwent Road Trust, 13th April, 1875.

SIR,

I BEG to acknowledge the receipt of your letter of 9th April, and have to state that, in my last communication referring to the special Rate, I mentioned that it was to be applied to the payment of interest and the reduction of principal (in the manner usually adopted as in the case of a cash credit with a Banking-house).

The £1000 was borrowed from Messrs. W. & R. Shoobridge in the year 1868. (*Gazette* notice dated 22nd July, 1868.)

The conditions were—that the whole of the 9*d.* special Rate be paid yearly to the mortgagees, thereby reducing the amount of interest and principal each year. The whole of the amount was laid out, together with other funds at the disposal of the Trust, in the general improvement of the road. A very small portion of it at that time had been made; and it was deemed by the ratepayers more expedient to borrow a sufficient sum to make the road passable than to wait for the ordinary Rate and have the work delayed for years, which must have been the case had such a plan been adopted.

Trusting you will see that we are not asking for anything more than we should have, had we not borrowed the money but continued on the ordinary Rate,

I remain,
Sir,

Your obedient Servant,

JOHN T. READ, *Chairman.*

The Hon. the Colonial Treasurer, Tasmania.

REFERRED to the Solicitor-General for his opinion as to whether the Colonial Treasurer would be justified, under Section 100 of 34 Vict. No. 10, in paying Grant in aid upon the special Rate of 9d. in the £ made by the Trustees for the purpose of paying interest and principal upon a loan of £1000 negotiated under "The Cross and Bye Roads Act, 1860," for the improvement of the Roads in the District, which Act has been repealed by 33 Vict. No. 8.

FRED^K. M. INNES, *Colonial Treasurer.*
19. 4. 75.

I do not think that a special Rate, made for the purpose of paying off a loan with interest thereon, can be deemed a "Road Rate" within the meaning of the 100th Section of 34 Vict. No. 10. That Section explicitly mentions a "Road Rate" but does not refer to a "special Rate,"—the object of the latter rate being pointed out by "The Cross and Bye Roads Act, 1860."

ROBT. P. ADAMS.
27th April, 1875.

LOAN of £1000 at 5 per cent. due to Messrs. W. & R. Shoobridge by the Ratepayers of the Upper Derwent Road District, secured by special Rate of Ninepence in the Pound on the annual value of Property within the Road District. As it was arranged that the money should be drawn only as required, the first payment per annum of interest will not appear as paid on £1000. Under is the mode of payment.

<i>Special Rate collected.</i>	<i>Interest due.</i>	<i>Balance of Rate paid to Messrs. Giblin & Dobson on acct. of Messrs. Shoobridge.</i>	<i>Principal.</i>
£ s. d.	£ s. d.	£ s. d.	£ s. d.
1869.....	1000 0 0
1869. October 1st.....	42 6 0	36 4 0	963 16 0 Balance
1870. October 1st.....	48 3 9	187 16 0	776 0 0 Balance
1871. October 1st.....	38 16 0	119 0 0	657 0 0 Balance
1872. October 1st.....	32 17 0	125 0 0	532 0 0 Balance
1873. October 1st.....	26 12 0	129 0 0	403 0 0 Balance
1874. October 1st.....	20 3 0	139 0 0	264 0 0 Balance
£944 17 9	208 17 9	736 0 0	

Colonial Treasury, Hobart Town, 27th April, 1875.

SIR,

THE Colonial Auditor having referred the papers in connection with the claim of the Upper Derwent Road Trust to this Department for the opinion of the Law Officers of the Crown, as to whether the special Rate made by the Trustees for the purpose of paying interest and principal upon a loan of £1000, could be considered a Road Rate within the meaning of the 100th Section of 34 Vict. No. 10; and I having received the following opinion of the Law Officers of the Crown:— "I do not think that a special Rate made for the purpose of paying off a loan with interest thereon can be deemed a Road Rate within the meaning of the 100th Section of 34 Vict. No. 10,—that Section especially mentions a 'Road Rate,' but does not refer to a 'special Rate,' the object of the latter Rate being pointed out by The Cross and Bye Roads Act, 1860,"—as Colonial Treasurer I should not be justified in passing the claim for payment.

I have, &c.,

FRED^K. M. INNES.

J. T. READ, *Esq., Chairman Road Trust, Upper Derwent.*

Upper Derwent Road Trust, 2nd June, 1875.

SIR,

I HAVE the honor to address you on behalf of the Trustees of the Upper Derwent Road, in respect to the Grant in aid applied for; and beg to point out a sufficient reason why our claim should be recognised, (as in justice at least it merits).

The road at the time the money was raised was for the greater part quite unmade, and the ratepayers, taking advantage of a clause in the Road Act, determined to borrow £1000 to be spent on the road, and pay the same off by a 9d. rate taken from the yearly rate of 1s. in the £, (which had hitherto been collected), thereby reserving for their annual expenditure on the road a 3d. rate, but expecting to receive the Grant in aid, as we had hitherto done, and which has been of great service to the district, as much of the road remained unfinished after the money raised by loan had been expended. The ratepayers voted for the loan on the condition that the Trustees would not levy a Rate in all exceeding 1s. in the £, and it would be impossible to carry out the ordinary repairs to bridges, &c. with the amount derived from a 3d. Rate.

We have always looked upon our claim to be as good as if we had collected it by an ordinary Rate, and have hitherto had the impression confirmed by the receipt of the grant from year to year; and, relying on this, contracts have been taken, and in two cases, amounting in all to about £150, they are about completed, the sum derived from the 3d. rate, amounting to £56, would be quite inadequate to meet our present liabilities. The Plenty and Styx Bridges are also in a very uncertain condition, and must be renewed shortly.

We have considered that the intention of the Act was, that wherever a sum was expended on the roads (derived from a 1s. Rate), that the Government would subsidise it with a like sum; and should we not receive the yearly grant (which would be spent on the roads), that intention would not be carried out. If the money had not been borrowed we would without doubt have been rated at 1s. in the £ by an ordinary Rate, and so have been beyond doubt entitled to the Grant in aid, but by that course the prosperity of the district would have been much retarded.

An important and expensive work was effected by cutting the new road by the Dry Creek, which cost upwards of £400, and which has proved a great benefit to strangers visiting the Salmon Ponds. As the present Ministry have always advocated judicious progress, we trust that our claim, which is obviously a just and equitable one, will not be affected by a mere technicality, as the true spirit of the intention of the Legislature has been carried out.

Begging your favourable consideration of the matter,

I have the honor to remain,

Sir,

Your obedient Servant,

JOHN T. READ, *Chairman.*

The Hon. Colonial Treasurer.

Colonial Treasury, Hobart Town, 4th June, 1875.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 2nd instant, giving your reasons for urging the claim of the Upper Derwent Road Trust for Grant in aid upon the special Rate, and in reply I beg to state that I propose to submit the correspondence for the consideration of Parliament during the coming Session.

I have, &c.,

FREDK. M. INNES, *Colonial Treasurer.*

J. T. READ, *Esq., Chairman Upper Derwent Road Trust,*
New Norfolk.