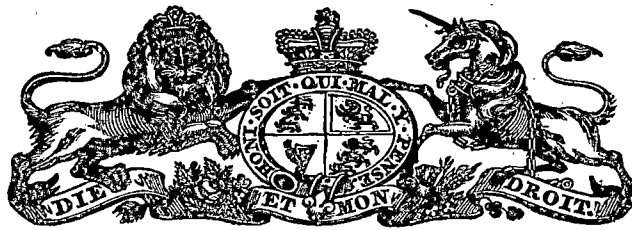


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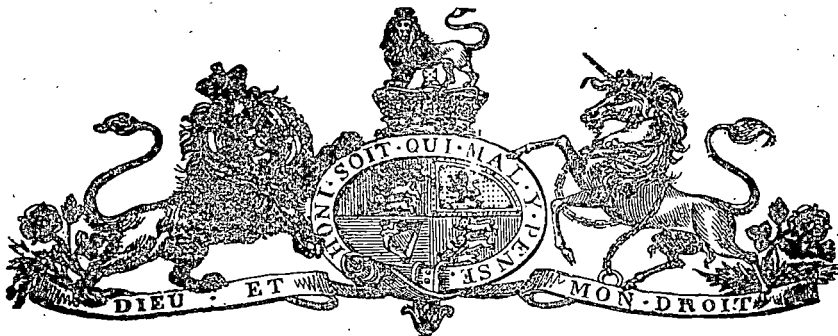
1884.

PARLIAMENT OF TASMANIA.

PINE ROAD SETTLERS' CLAIMS:

**REPORT OF THE SELECT COMMITTEE, WITH MINUTES
OF PROCEEDINGS AND EVIDENCE.**

Brought up by Mr. Braddon, and ordered by the House to be printed,
November 6, 1884.



SELECT COMMITTEE appointed, on the 30th October, to enquire into and report upon the Claim of Robson, Lillico, Grant, and other Settlers in the neighbourhood of the Pine Road to use a Bye-road which was closed some years ago by the Minister of Lands.

MEMBERS OF THE COMMITTEE.

Mr. PILLINGER.
Mr. BIRD.
Mr. LUCAS.
Mr. ROOKE.

Mr. BELBIN.
Mr. LYNE.
Mr. BRADDON (*Mover*).

DAYS OF MEETING.

Friday, 31st October. Tuesday, 4th November. Thursday, 6th November.

WITNESSES EXAMINED.

Mr. A. T. Morrison, Draftsman, Public Works Department.
Mr. W. Duffy, Engineer of Roads.

MINUTES.

FRIDAY, OCTOBER 31, 1884.

The Committee met at 12-30 P.M.

Present.—Mr. Lyne, Mr. Pillinger, Mr. Braddon.

Mr. Braddon was voted to the Chair.

A Report from Mr. Duffy, Engineer of Roads, was laid on the Table (Appendix A.)

The Committee adjourned at 12-40 P.M. till 3 P.M.

AFTERNOON SITTING.

Present.—Mr. Lyne, Mr. Pillinger, Mr. Braddon.

Mr. A. T. Morrison was called in and examined.

Mr. Morrison withdrew.

The Committee adjourned, at 3-45 P.M., till Tuesday, the 4th November, at 2-30 P.M.

TUESDAY, NOVEMBER 4, 1884.

The Committee met at 3-45 P.M.

Present.—Mr. Lyne, Mr. Pillinger, Mr. Braddon (Chairman).

The Minutes of the last meeting were read and confirmed.

Mr. William Duffy, Engineer of Roads, was called in and examined.

Mr. Duffy withdrew.

The Committee adjourned, at 3-30 P.M., till Thursday, 6th November.

THURSDAY, NOVEMBER 6, 1884.

The Committee met at 2.45 p.m.

Present.—Mr. Lyne, Mr. Rooke, Mr. Braddon (Chairman).

The Minutes of last meeting were read and confirmed.

Telegrams from Messrs. Grant and Clerke, Penguin (see Appendix B.), and a tracing of the plan of the road under consideration, were laid on the Table.

The Draft Report was drawn up and agreed to.

The Committee adjourned *sine die*.

R E P O R T.

YOUR Committee have held three meetings, and examined two witnesses and the papers relating to this case.

Your Committee are unanimously of opinion that justice can only be done to the public in this matter by the re-opening of that road through the Plapps' property which was given by the late Minister of Lands as compensation for land taken up for another road.

The facts of the case are as follows:—The Plapps in the first instance petitioned for an alternative road to that in question, and offered to give the land required therefor free of compensation. The District Inspector failed to take an engagement in writing from them to this effect, but, trusting to their good faith, proceeded to make the alternative road. When this was done the Plapps broke their engagement, obstructed the new road, and refused to sign arbitration papers. Finally, the Minister of Lands consented to give up so much of the old road as passed through Plapps' property as compensation for the land taken for the new road, and this was done without reference to or approval of the local Road Trust, and in spite of the fact that £130 of public money had been expended upon this road.

There is but one solution of this difficulty. Justice to the public demands that the road through the Plapps' property should be re-opened; and if justice could be attained to its full extent, this should be done without compensation to those who have become possessed of it.

E. BRADDON, *Chairman*.

E V I D E N C E.

FRIDAY, OCTOBER 31, 1884.

MR. A. T. MORRISON, *examined*.

1. *By Mr. Braddon.*—What is your name and position? Alexander Thomas Morrison, Draftsman in Public Works Department.

2. Do you know particulars of the claim raised by Robson, Lillico, and others, to use of a road through property of K. Plapps?—please state particulars? I have a chart of the road, which I now produce. Under "The Waste Lands Act, 1870," there were certain moneys to be expended upon the roads for the benefit of the Messrs. Plapps, Syke, and others. A portion of this money had been expended on the reserved road, which was afterwards petitioned against as being perfectly impracticable, also reported upon by the Road Trust and Mr. Grant; upon which several lines of road were suggested. Eventually the one pointed out by Mr. Grant was adopted. After the construction of this road there was a difficulty in dealing with the Plapps—Mr. Von Bibra, Mrs. and Miss Plapp. The question of compensation for the new road going through their property was put to arbitration, but only in one case was the arbitration carried out,—that of Mr. Von Bibra. Mrs. Plapp and her daughter would not sign the arbitration paper, nor could we do anything with them. Eventually Mrs. Plapp proposed to give the new line of road in exchange for the old one, which was recommended by the Engineer in Chief, and approved of by the Minister.

3. Are the facts as to the action of the Plapps in respect of this road accurately stated by Mr. Duffy in paragraphs 3, 4, and 5 of his Report of 15th April, 1884 (A.)? Generally, they are.

4. Did Lillico give 13 chains of land for the purpose of extending the old road? Lillico gave 13 chains of road as an outlet to the reserved outlet through Plapps to the Pine Road.

5. Can you say what sum of public money was expended upon the portion of the road closed by action of Minister of Lands? About £130.

6. Was the area of land handed over to the Plapps in the old road greater than that of the land for which it was given in compensation? There might have been half an acre or more.

7. Do you know anything of the locality beyond the information afforded by the chart? I have no personal acquaintance with any part of that country.

TUESDAY, NOVEMBER 4, 1884.

MR. WILLIAM DUFFY, *Engineer of Roads, called in and examined.*

1. *By the Chairman.*—Do you know the particulars as to the closure of a road through the Plapps' property? Only from official papers: it was closed before I came to the Colony.

2. Do you know nothing of the case of your own knowledge or observation? I do not; I have never been on the spot.

Mr. Duffy withdrew.

APPENDIX A.

Public Works Office, Hobart, 15th April, 1884.

WEST DEVON, PARISH OF ASHWATER.

SIR,

THE letter sent by Messrs. Lillico and Grant, with sketch plan showing the various roads laid out and proposed by Messrs. Hall, Frith, Dooley, and Cresswell, is fairly correct, and the descriptions of the various roads accurate, with one exception, the road marked on their plan *A.B.*, said by them to be closed, to the great injury of Mr. John Robson and near settlers.

From documents and information supplied me in the Public Works Department, I find—

1. That Messrs. Lillico and Grant have not given the correct position of closed road *A.B.*; that such road never abutted on to J. Robson's land, and could not have in consequence been legally used by him to and from his land.

2. That the closed road, coloured blue on tracing, and marked *A.B.*, was the first deviation road for accommodation laid out under authority of the Government, that a large amount of Government money was spent on this road, and that Messrs. Lillico and Grant gave 13 chains in length through their land to complete the junction with the Pine Road for the benefit of the settlers.

3. That in answer to a petition from Messrs. Plapp, Sykes, and Von Bibra, offering, free of charge, a road through their properties, Mr. Cresswell was instructed to survey a road, and with the willing and eager assistance of the Plapp family, Mr. Cresswell marked out the road *C.D.* (see tracing), which gave great satisfaction. Mr. Cresswell made the mistake of not getting the consent of the Plapp family in writing, being misled by these parties in originating the petition, and their willingness and assistance in marking out the road.

4. That the Plapp family, when Cresswell's line of road was opened, demanded compensation for the new road, refused to sign the necessary papers, closed the new road, and summoned those using it as trespassers.

5. That in consequence of this line of conduct on the part of the Plapp family, the then Minister of Lands, the Hon. C. O'Reilly, in company with Mr. Cresswell, visited the locality and the road in dispute. The road marked *A.B.* was given up to the Plapp family in lieu of the road marked *C.D.* (see tracing.)

6. I gather from Messrs. Lillico and Grant's letter that, independent of the inconvenience caused to themselves and other settlers by the road *A.B.* being closed to them, they are further aggrieved on this road being awarded to the Plapp family, and the 13 chains of road, given by them for the use of the district, should be virtually given also to the Plapp family.

I do not hold with the contention of Messrs. Lillico and Grant, that Mr. J. Robson is in any way injured either by the closure or opening of this road, neither does it appear that they have any authority to use his name.

I have the honor to be,

Sir,

Your obedient Servant,

WILLIAM DUFFY, *Engineer of Roads.*

The Hon. the Minister of Lands and Works.

APPENDIX B.

[TELEGRAM.]

Penguin, 5th November, 1884.

REFERRING to my Report, March, 1884, to Minister of Lands, and accompanying tracing, also reply to Mr. Duffy's Report, and my answer of 14th June, 1884, will show that the restoration of the road to Lillico will not settle the difficulty.

ROBT. GRANT.

E. BRADDON, *M.H.A.*

[TELEGRAM.]

Penguin, 5th November, 1884.

Road reported to have been given by Government to the Plapps in lieu of another road, was done without consultation or consent of the Leven Road Trustees.

E. M. CLERKE.

E. BRADDON, *M.H.A.*