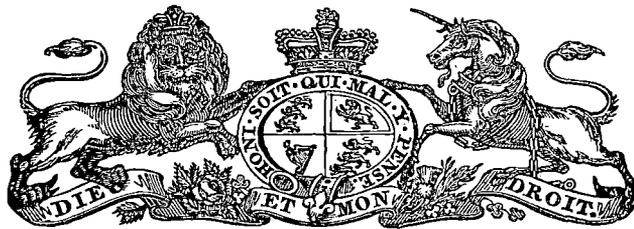


(No. 113.)



1887.

PARLIAMENT OF TASMANIA.

MR. HEPBURN'S CASE :

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

Brought up by Mr. Mackenzie, September 15, 1887, and ordered by the House
of Assembly to be printed.



SELECT COMMITTEE appointed, on the 26th August, to enquire into and report upon the Claim made by MR. ROBERT HEPBURN for Compensation for trespass of MR. JOHN MEREDITH'S Men on his Land, and removal of a quantity of Wattle-bark, at the instance of the Deputy Surveyor-General.

MEMBERS OF THE COMMITTEE.

MR. LETTE.
MR. M'KENZIE.
MR. PILLINGER.

MR. SUTTON.
MR. LYNE. (*Mover.*)

DAYS OF MEETING.

Thursday, 1st September. Friday, 2nd September.

WITNESS EXAMINED.

Mr. Albert Reid, Chief Draftsman, Survey Department.

R E P O R T.

YOUR Committee have the honor to report to your Honorable House that they have had before them all the documentary evidence relating to Mr. R. Hepburn's claim for compensation for trespass by Mr. John Meredith's men on his land, and for the removal of a quantity of wattle-bark therefrom, at the instance of the Lands Department, and have also examined the Chief Draftsman of the Survey Department on the same subject.

After having carefully weighed the evidence before them, your Committee, believing that the action taken by the Lands Department in this case was quite unprecedented, though perhaps legal, are of opinion that that action was unnecessarily harsh; and therefore recommend that Mr. Hepburn have the rent of the land for the period during which his pastoral occupation was destroyed by the bark-strippers refunded him, such rent amounting to £44 10s., being the rent for one year's occupation.

C. J. M'KENZIE, *Chairman.*

Committee Room, Wednesday, 14th September, 1887.

MINUTES OF PROCEEDINGS.

THURSDAY, 1ST SEPTEMBER, 1887.

The Committee met at 11 A.M.

Present.—Mr. Lette, Mr. Lyne, Mr. Sutton, and Mr. Mackenzie.

Mr. Mackenzie was voted to the Chair.

Mr. Mackenzie read the Resolution of the House appointing the Committee.

Mr. Lyne tabled H.A. Paper 158, Session 1886, being the papers and correspondence connected with the claim under consideration.

The Committee adjourned at 1 P.M. till Friday, the 2nd instant, at 11 A.M.

FRIDAY, 2ND SEPTEMBER, 1887.

The Committee met at 11 A.M.

Present.—Mr. Lette, Mr. Lyne, and Mr. Mackenzie, Chairman.

The Minutes of last Meeting were read and confirmed.

Mr. Lyne tabled the Regulations under "The Waste Lands Act."

The Committee adjourned at 1 P.M. till 3:15 P.M.

The Committee re-assembled at 3:15 P.M.

Mr. Albert Reid, Chief Draftsman, Survey Department, was called in and examined.

Mr. Reid withdrew.

The Committee adjourned at 4 P.M. till Wednesday, the 14th instant, at 11 A.M.

WEDNESDAY, 14TH SEPTEMBER, 1887.

The Committee met at 11 A.M.

Present.—Mr. Lette, Mr. Lyne, Mr. Sutton, Mr. Pillinger, and Mr. Mackenzie, Chairman.

The Minutes of last Meeting were read and confirmed.

Mr. Albert Reid, Chief Draftsman, Survey Department, was re-called, and tabled the following documents:—

1. Letter from Mr. R. Hepburn, dated 10th November, 1884.
2. Ditto, 20th December, 1884.
3. Ditto, John Badman, 23rd February, 1885.—*Vide* Appendix.

Mr. Reid withdrew.

The Committee deliberated.

The Draft Report was drawn up and agreed to.

The Committee adjourned *sine die*.

EVIDENCE.

FRIDAY, 2 SEPTEMBER, 1887.

MR. ALBERT REID, *called in and examined.*

1. *By Mr. Lyne.*—You are Chief Draftsman of the Survey Department? I am.
2. Are you well acquainted with the working of your Department? I am.
3. Do you remember, and are you conversant with, the case when the late Deputy Surveyor-General granted permission to the employees of Mr. Meredith to strip bark on land leased to Mr. Hepburn for pastoral purposes? I remember it, but am not conversant with details. I would explain that I have only recently discharged the duties performed by the late Deputy Surveyor-General since that gentleman's death; the matter you are now considering was dealt with in that gentleman's lifetime; I have, however, recently looked up the documentary evidence connected with the case.
4. Are the Regulations tabled by you those upon which the late Deputy Surveyor-General was acting when dealing with Hepburn? They are.
5. Were they in force when Meredith's licence was granted? Yes.
6. Do you know any precedent for the action of the Deputy Surveyor-General with regard to Hepburn? Not up to the time of its occurrence, but within the last month the Council Clerk of Swansea has asked whether he could issue licences to strip bark on a lot under pastoral lease.
7. Was permission granted the Council Clerk in question to act so? Yes, the Minister approved of licences being so issued.

8. When the Council Clerk of Swansea asked for permission to issue Bark-stripping Licences on lands leased for pastoral purposes, I presume he had already been applied to for such licences? I presume he had.

9. Do you think it possible that the late Deputy Surveyor-General may have dealt with others as with Mr. Hepburn, without you being cognisant of it? It would be quite possible.

APPENDIX.

Bellbrook, 10th November, 1884.

SIR,

I BEG to request that you will grant me permission to strip wattle bark on Lot 418, 4400 acres, on Wye River, on my paying the Government fee.

The ground was leased by myself and the late Mr. John Amos for many years.

Last year the bush fires went over the above lot, destroying the greater portion of the fencing and bark; but a margin of the wattle saved, when, by great exertion, the fires were put out.

I have, &c.

R. HEPBURN.

C. P. SPRENT, *Esq., Deputy Minister of Lands, &c.*

I SEE no objection to issuing licences to strip bark on usual terms to lessee, provided that Crown Bailiff has strict injunction to see that licence is paid in respect of every man employed.

N. J. B.
14. 11. 84.

Bellbrook, 20th December, 1884.

SIR,

IN accordance with "The Lands Act, 1870," I beg to request you will be pleased to grant me a licence to strip bark on Lot 418 and Lot 148, Crown lands, situated on the Wye River, Glamorgan. No. of strippers—2.

I have, &c.

R. HEPBURN.

The Deputy Minister of Lands, &c.

LOT 148 is partly selected; and on Lot 418 Mr. Hepburn's rent is in arrears. Application to strip bark is refused.

C. P. S.
31. 12. 84.

Lands and Works Office, 30th December, 1884.

SIR,

I HAVE to remind you that the half-year's rent of Lot 418, in the vicinity of Wye River, fell due on the 1st of October last, and request that you will forward the sum of £24 to the Treasury without delay.

You may not be aware that your licence is determinable under Section 79 of "The Waste Lands Act, 1870," if the rent remains unpaid for the space of one month after it becomes due: the Lot in question will therefore be included in the next leasing sale unless the rent is paid in the meantime.

It is particularly requested that this Notice be presented at the Treasury on payment of the rent.

I have the honor to be,

Sir,

Your obedient Servant,

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

To MR. R. HEPBURN, *Swansea.*

25th February, 1885.

SIR,

I WROTE some two months ago for permission to strip wattle bark on Hodgson's land held under lease, in the vicinity of Prosser's River, land held on lease by Mr. Hodgson. I have received no answer to my letter, and I enclosed a Post Office Order payable to Mr. N. J. Brown. I hereby expect the licence or my money by return of post.

I have, &c.

The Honorable N. J. BROWN.

JOHN BADMAN.

 REFERRED to the Deputy Surveyor-General for attention.

 N. J. B.
 3. 3. 85.

 TEN shillings returned to Mr. Badman, it having been decided not to grant the licence to strip wattle-bark.

 F. L.
 4. 3. 85.