

(No. 38.)



1877.

SESSION IV.

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T A S M A N I A.

LEGISLATIVE COUNCIL.

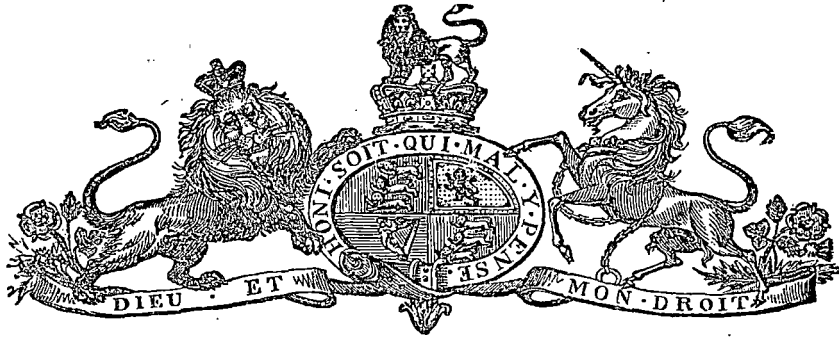
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OYSTER COVE:

CORRESPONDENCE AND PAPERS RELATING TO EXPENDITURE UPON A  
ROAD EXTENDING FROM THE END OF TRAMWAY AT OYSTER COVE,  
UPON DR. CROWTHER'S PROPERTY.

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Laid upon the Table by Mr. Crowther, and ordered by the Council to be printed,  
November 27, 1877.



*Lands and Works Office, 10th April, 1877.*

MEMO.

MR. Blackwood will be good enough to take an early opportunity to survey a road starting from the end of Dr. Crowther's tramway at Oyster Cove, through lots taken up under the 24th Section of "The Waste Lands Act," and on to meet the Port Cygnet road.

Mr. H. L. Crowther will point out to Mr. Blackwood the proposed route.

The road is required to give access to the Port Cygnet road, for the selectors at the back of Dr. Crowther's land.

H. JOCELYN HULL.

A. BLACKWOOD, *Esq., Long Bay.*

"Tracing" which accompanied instructions.

"Diagram" from actual survey of Road.—(Signed) ARCHIBALD BLACKWOOD, *Surveyor, May 22, 1877.*

*Little Oyster Cove, 23rd July, 1877.*

HAVING seen the track cut by Mr. Blackwood to the Port Cygnet road, and shown by Mr. Helmer, I beg to tender for a mile and a half, starting as shown by Mr. Helmer, to clear the road of scrub 20 feet wide, and cut all logs out to the width of 12 feet wide, for the sum of Twelve shillings per chain.

SINCLAIR KEITH DAVIE.

*The Hon. Minister of Lands and Works.*

*Little Oyster Cove, 30th July, 1877.*

WE, the undersigned, hereby agree to clear the road cut by Mr. Blackwood from Little Oyster Cove, as shown by Mr. Helmer, for one mile and a half for the sum of Ten shillings per chain, the road to be scrubbed level to the ground to the width of twenty feet, and all logs cut out to the width of twelve feet.

ARTHUR JACKSON.  
GEORGE DAVIE.

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

THE tender of Jackson & Davie at 10s. per chain accepted. The road to be cleared as surveyed by Mr. Blackwood from the Port Cygnet road, about  $2\frac{1}{2}$  miles. Authority for right of reservation of road to be signed by owners of land before Contractor commences work.

(Signed) C. O'REILLY.  
6. 7. 77.

Original of this document sent to Treasury with claim of Messrs. Jackson & Davie, £40, on account of work.

WILLIAM SMITH, *Clerk Public Works.*  
16. 11. 77.

*Lands and Works Office, 9th August, 1877.*

SIR,

I AM instructed by the Honorable the Minister of Lands and Works to inform you that he has authorised the acceptance of Jackson and Davie's tender, at 10s. per chain, for clearing the road as surveyed by Mr. Blackwood from lots selected under the 24th section Waste Lands Act in the vicinity of Oyster Cove to the old Port Cygnet road, a distance of about  $2\frac{1}{2}$  miles, and the notification thereof is forwarded herewith.

The Honorable the Minister, however, requires that before the contractors commence work, the permissions for right of reservation through the lots in question be first obtained. These documents are enclosed, and upon their receipt at this Office, duly signed and witnessed, the Contractors can proceed with the work.

I have, &c.

(Signed) WILLIAM SMITH, *Clerk Public Works.*

*The Hon. W. L. CROWTHER, M.L.C.*

*Lands and Works Office, 9th August, 1877.*

THE Director of Public Works has to acquaint Messrs. Jackson & Davie that their tender, at ten shillings per chain for clearing the road surveyed by Mr. Blackwood from lots selected under the 24th section Waste Lands Act, in the vicinity of Oyster Cove, to the old Port Cygnet road, a distance of about  $2\frac{1}{4}$  miles, has been accepted. The road to be cleared and scrubbed level to the ground for the width of 20 feet, and all logs cut out to the width of 12 feet. The works to be carried out and completed to the satisfaction of this Department.

WILLIAM SMITH, *for D.P.W.*

The distance stated in Messrs. Jackson & Davie's tender is  $1\frac{1}{2}$  miles, but their tender is accepted only on condition that the entire distance as surveyed (about  $2\frac{1}{4}$  miles) is done at this rate (10s. per chain.)—W.S.

STAMPED in my presence this 11th day of September, 1877.

G. PATTEN ADAMS, *Collector of Stamp Duties.*

I, EMILY FLORENCE CROWTHER, of Hobart Town, in Tasmania, hereby authorise the Commissioner of Crown Lands to lay out and open a line of Road 33 feet in width, and leading from the vicinity of Oyster Cove to the Old Port Cygnet Road, across my land situate in the vicinity of Oyster Cove, in Tasmania aforesaid, as surveyed by Mr. Blackwood, and shown on plan in Lands and Works Office: And I declare that I authorise the said Road to be opened for the use of the Public for all purposes whatsoever: And I hereby dedicate the said Road, when so laid out and opened, to that purpose: And, in consideration of the said Commissioner laying out and opening the said line of Road, and when and so soon as he shall have so laid out and opened the same, I hereby agree, on demand made by the said Commissioner, to grant, in such manner and form as the said Commissioner may require, a full right of way for all purposes whatsoever over and along the said line of Road for the use of the Public for ever. Sealed with my seal.

Dated this tenth day of August, 1877.

E. F. CROWTHER.

Witness—JAS. JOHNSTON.

STAMPED in my presence this 11th day of September, 1877.

G. PATTEN ADAMS, *Collector of Stamp Duties.*

I, H. J. CROWTHER, of Hobart Town, in Tasmania, hereby authorise the Commissioner of Crown Lands to lay out and open a line of Road 33 feet in width, and leading from the vicinity of Oyster Cove to the Old Port Cygnet Road, across my land situate in the vicinity of Oyster Cove, in Tasmania aforesaid, as surveyed by Mr. Blackwood, and shown on plan in Lands and Works Office: And I declare that I authorise the said Road to be opened for the use of the Public for all purposes whatsoever: And I hereby dedicate the said Road, when so laid out and opened, to that purpose: And, in consideration of the said Commissioner laying out and opening the said line of Road, and when and so soon as he shall have so laid out and opened the same, I hereby agree, on demand made by the said Commissioner, to grant, in such manner and form as the said Commissioner may require, a full right of way for all purposes whatsoever over and along the said line of Road for the use of the Public for ever. Sealed with my seal.

Dated this tenth day of August, 1877.

H. J. CROWTHER.

Witness—MARIA KNIGHT.

STAMPED in my presence this 11th day of September, 1877.

G. PATTEN ADAMS, *Collector of Stamp Duties.*

I, HENRY L. CROWTHER, of Hobart Town, in Tasmania, hereby authorise the Commissioner of Crown Lands to lay out and open a line of Road 33 feet in width, and leading from the vicinity of Oyster Cove to the Old Port Cygnet Road across my land situate in the vicinity of Oyster Cove in Tasmania aforesaid, as surveyed by Mr. Blackwood and shown on plan in Lands and Works Office: And I declare that I authorise the said Road to be opened for the use of the Public for all purposes whatsoever: And I hereby dedicate the said Road, when so laid out and opened, to that purpose: And, in consideration of the said Commissioner laying out and opening the said line of Road, and when and so soon as he shall have so laid out and opened the same, I hereby agree, on demand made by the said Commissioner, to grant, in such manner and form as the said Commissioner may require, a full right of way for all purposes whatsoever over and along the said line of Road for the use of the Public for ever. Sealed with my seal.

Dated this tenth day of August, 1877.

HENRY L. CROWTHER.

Witness—MARIA KNIGHT.

STAMPED in my presence this 11th day of September, 1877.

G. PATTEN ADAMS, *Collector of Stamp Duties.*

I, B. L. BURNS, of Oyster Cove, in Tasmania, hereby authorise the Commissioner of Crown Lands to lay out and open a line of Road 33 feet in width, and leading from the vicinity of Oyster Cove to the Old Port Cygnet Road across my land situate in the vicinity of Oyster Cove in Tasmania aforesaid, as surveyed by Mr. Blackwood and shown on plan in Lands and Works Office: And I declare that I authorise the said Road to be opened for the use of the Public for all purposes whatsoever: And I hereby dedicate the said Road, when so laid out and opened, to that purpose: And, in consideration of the said Commis-

sioner laying out and opening the said line of Road, and when and so soon as he shall have so laid out and opened the same, I hereby agree, on demand made by the said Commissioner, to grant, in such manner and form as the said Commissioner may require, a full right of way for all purposes whatsoever over and along the said line of Road for the use of the Public for ever. Sealed with my seal.

Dated this tenth day of August, 1877.

Witness—HY. L. CROWTHER.

her  
B. L. × BURNS.  
mark.

Hobart Town, 27th August, 1877.

DEAR SIR,

WOULD you kindly enquire for me if the road or track that is being cut back from Dr. Crowther's tramway is being done by Government, which I am given to understand is the case, and that the only outlet is to Dr. Crowther's tramway (private property)? Tenders were never invited by the late Government for the work\*; it was surveyed by Mr. Blackwood, I am told. If I understand rightly the money ought to come to the Nicholls Rivulet Road, which ought to be the main road from Port Cygnet to Hobart Town, seeing it is a distance of five miles nearer, and a much easier road than the other route, and could be made at a far less expense. There are about two miles more to open between the Snug and Nicholls Rivulet to open up a direct thoroughfare from Hobart Town to Port Cygnet, *via* Brown's River, North West Bay, and the Snug. I am of opinion that the money ought to be expended to the benefit of the settlers in a district and not to one person only.

The Hon. P. O. FYSH.

Yours obediently,  
(Signed) R. M. POLLARD.

Colonial Secretary's Office, 27th September, 1877.

MR. Fysh presents his compliments to Mr. Pollard, desiring to know whether he has any objection to his letter of August 27, respecting the Road at back of Oyster Cove, being made a record of the Lands and Works Department. Mr. Fysh cannot otherwise give Mr. Pollard the information he seeks.

Mr. Pollard will please to bear in mind that if the letter becomes the property of the Government it is liable to be printed for the information of Parliament.

Hobart Town, 28th September, 1877.

DEAR SIR,

IN reply to yours of yesterday you are at liberty to make use of my letter of August 27th, providing you strike out the portion that states that no tenders were invited for the work. Since writing to you I have been informed that tenders were invited, but in such a way that people were misled as to the place it was.

The Hon. P. O. FYSH.

Yours obediently,  
(Signed) R. M. POLLARD.

FORWARDED with the other papers to the Hon. the Minister of Lands and Works.

B. TRAVERS SOLLY,  
1st October, 1877.

WILL MR. Hull please inform me out of what fund the payment for this contract is to come?

Out of moneys set apart for roads under 28th Section of Waste Lands Act.

If from moneys due to district under 28th Section Waste Lands Act, what is the amount due to the whole district?

£750 have been authorised out of £820 due to Oyster Cove District.

What proportion of that amount will this contract absorb?

About £130.

How many lots is this road intended to benefit?

Seven lots of 462 acres.

Where is the outlet for the produce of those lots?

The natural outlet is to Oyster Cove.

Where is the outlet of other lots to west and south west, taken up under 24th Section?

Mr. Morrison informs me that the lots to west and south west have their outlet down Nicholls Rivulet Road, upon which about £400 have been expended.

NICHOLAS J. BROWN.  
20. 9. 77.

H. J. HULL.  
20. 9. 77.

\* See note in subsequent letter from Mr. Pollard as to Tenders.

ACCORDING to the information before me the carrying out of this work is clearly a misappropriation of the funds due to the District of Oyster Cove under the 28th Section of Waste Lands Act. Moreover, it appears that the work was let by private tender; but, inasmuch as the contractors would have at least a moral claim to compensation, owing to the contract having been approved by my predecessor, I find that it would be inexpedient to interfere, and the work must therefore proceed.

NICHOLAS J. BROWN.  
24. 9. 77.

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*Little Oyster Cove, 22nd October, 1877.*

DEAR SIR,

JACKSON and Davie are progressing with their Contract for clearing and scrubbing the road in the vicinity of Oyster Cove, and they have asked me to bring under your notice that they have a good deal of difficulty in moving some of the logs, as they cannot get a horse to assist them owing to one place where there is a gully, so that a horse cannot get up, where if a bridge was now put up they would be able take a horse across, and thus be able to have a horse to help them to draw the logs away, and they would then be able to make better progress.

I have carefully looked at the place, and have taken the dimensions of the bridge, as follows:—length, about  $1\frac{1}{2}$  chains; width, 10 feet; height, 20 to 25 feet, deepest. The bridge would be built of pigstye and well slabbed. If a tender was called for, I should think £20 would be the lowest asked, but if you approve, a man here, S. K. Davie, offers to put it up for £12, and I would see that the same was put up in a thorough substantial manner to the satisfaction of your Overseer of Works.

The favour of an early reply will oblige.

I have, &c.  
(Signed) H. L. CROWTHER.

N. J. BROWN, *Esq., Minister Lands and Works,*  
*Hobart Town.*

I CANNOT recommend that this be done. Government cannot be expected to do more than pay the amount agreed on for the work.

J. F.  
23. 10. 77.

THE whole of the work being done under Davie's Contract is in my opinion a misappropriation of moneys from the Land Fund, and but for the fact that the Contractors would have a moral if not a legal claim for compensation, I should have cancelled the Contract immediately upon the matter first coming under my notice. Any further expenditure in the same direction cannot be permitted until more land is taken up in the neighbourhood for *bonâ fide* agricultural settlement.

N. J. BROWN.  
24. 10. 77.

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*Lands and Works Office, 30th October, 1877.*

SIR,

I BEG to acknowledge the receipt of your letter of the 22nd instant, *re* erection of bridge on road now being cleared under Jackson & Davie's Contract, in the vicinity of Oyster Cove.

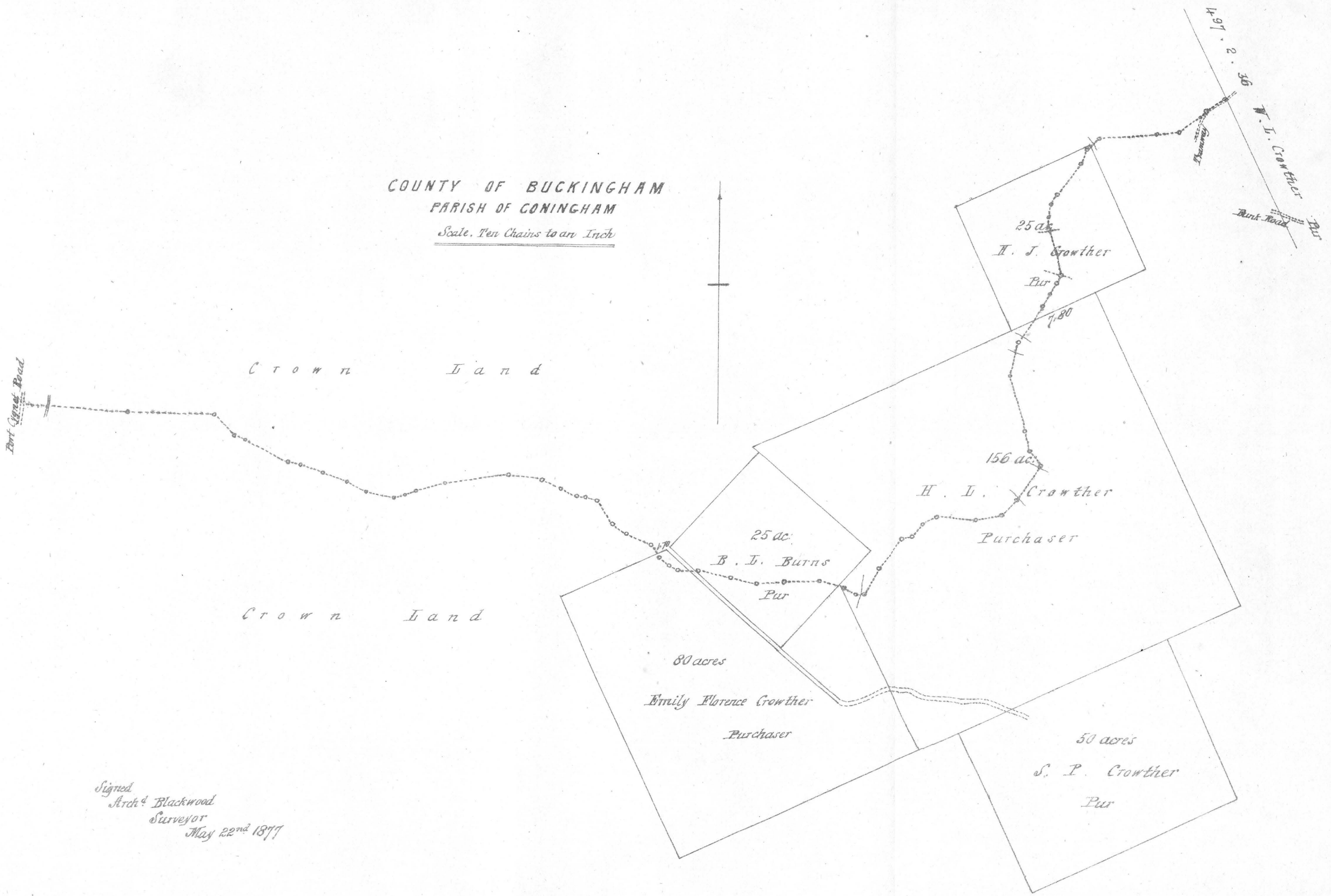
In reply, I desire to inform you that after carefully enquiring into the matter, *re* expenditure in this locality under the provisions of "The Waste Lands Act," I am of opinion the work being done under this Contract is a misappropriation of moneys from the Land Fund; therefore, until more land is taken up in the neighbourhood for *bonâ fide* agricultural settlement, I cannot sanction any further outlay.

I have, &c.  
(Signed) NICHOLAS J. BROWN,  
*Minister of Lands and Works.*

H. L. CROWTHER, *Esq., Little Oyster Cove.*

COUNTY OF BUCKINGHAM  
PARISH OF CONINGHAM

Scale. Ten Chains to an Inch



Crown Land

Crown Land

25 ac  
H. J. Crowther  
Pur

25 ac  
B. I. Burns  
Pur

80 acres  
Emily Florence Crowther  
Purchaser

156 ac  
H. D. Crowther  
Purchaser

50 acres  
S. P. Crowther  
Pur

1497. 2. 36  
Bent Road  
H. J. Crowther  
Pur

Port Canal Road

Signed  
Arch<sup>d</sup> Blackwood  
Surveyor  
May 22<sup>nd</sup> 1877

