

(No. 89.)



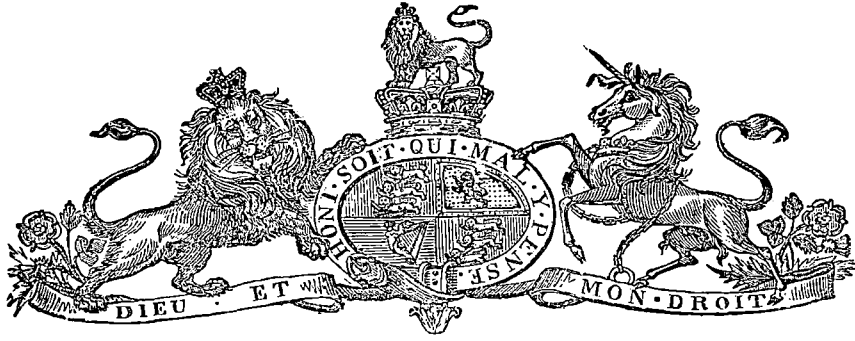
1871.

TASMANIA.
HOUSE OF ASSEMBLY.

MR. WEDGE.

CORRESPONDENCE AS TO COMPENSATION FOR A ROAD.

Laid upon the Table by the Minister of Lands and Works, and ordered by the House to be printed, November 28, 1871.



Office of Lands and Works, 1st July, 1870.

SIR,

I HAVE the honor to refer for your observations the enclosed letter from Mr. J. H. Wedge, claiming a reduction in the amount of purchase money for two roads taken through a lot of land (640 acres) which he selected for purchase under the Pre-emptive Right Regulations at the River Forth; also the cost of fencing the same on both sides.

The land was marked off in the year 1856 by one of the Sappers, who reserved a road marked "original road" on the sketch attached to Mr. Wedge's letter, and which, consequently, was not included in the area of the lot; but in the year 1861, acting under instructions from the Board of Works, Mr. John Thomas altered the road reserved in the original Survey to the line marked "existing road" on the sketch.

In the same year and by the same authority Mr. Thomas also laid out the "lower road," near the River Forth, referred to by Mr. Wedge.

As the Chairman of the Northern Sub-Board of Works, you can probably inform me whether or not Mr. Wedge assented to the alteration of the first-named road, and also to the lower road being taken through his lot; and if not, whether any objection or claiming for compensation was made by him at the time the Surveys were effected.

I have, &c.,
(Signed) HENRY BUTLER.

RONALD C. GUNN, Esq., Launceston.

MEMO.

Mr. Thomas's surveys were made under instructions from the Surveyor-General, and *not* from Northern Sub-Board of Works, which did not come into existence until 18th June, 1861; and the Surveyors worked under Mr. Tully's supervision.

No claim for compensation has ever, to my knowledge, previously been made by Mr. Wedge; and as I think the land in 1861 was not *paid* for or granted to Mr. Wedge, the fee simple vested in the Crown, and compensation for the land taken for roads could not be claimed beyond requiring a deduction in the area to be paid for,—to which, of course, he would be entitled.

The roads once cleared or thrown open for traffic vested in the Road Trustees, and I annex copies of two Resolutions of Northern Sub-Board of Works of 16 August, 1861, recognising the principle. What was done in consequence of these Resolutions I cannot recollect.—Mr. Dooley could tell, but he is now somewhere about Fingal.

Was Mr. Wedge's land in cultivation in 1861? I think not.

(Signed) RONALD C. GUNN,
7th July, 1870.

The Hon. H. BUTLER, Esq.

EXTRACT from Proceedings of a Meeting of Northern Sub-Board of Works, held at Launceston on 16th August, 1861.

Read Mr. Dooley's letter, dated 13th August, 1861, No. 4, strongly urging, for reasons therein set forth, that the proposed line of road from Hamilton-on-Forth to Alma should at once be cleared.

Resolved.—"That Mr. Dooley be requested to send a tracing of his proposed revision of the present surveyed line of road; as also send plan of the lands belonging to parties who claim compensation for the road passing through their lands, with a view to the amount of their claims being settled by arbitration under the authority of the *Devon Road Trust.*"

As I have no recollection of any claim being made by Mr. Wedge, I assume that none was made.

(Signed) R. C. GUNN,
7. 7. 70.

Lands and Works Office, 15th July, 1870.

SIR,

REFERRING to your application for compensation for loss of land by roads taken through your selection under the Pre-emptive Right Regulations of November, 1851, at the River Forth, and for fencing the same on both sides, I have the honor to inform you that, beyond a reduction in the purchase money for the nine acres absorbed by the roads, I cannot entertain your request.

Any claim for compensation to which you might have considered yourself entitled should have been prepared in the year 1861, when the roads in question were surveyed.

As the purchase money for the land referred to became due in March, 1866, you will perhaps be good enough to forward the amount, £631, to the Honorable the Colonial Treasurer at your earliest convenience.

I have, &c.,

(Signed) HENRY BUTLER.

J. H. WEDGE, *Esq., Leighland, Perth.*

Leighland, 20th August, 1870.

SIR,

I HAVE the honor to state that, on my return home from the River Forth, I found your letter of the 15th ultimo; in reply to my application for compensation for loss of land by roads taken out of my selection under the Pre-emptive Right Regulations at the River Forth; and for fencing the same on both sides of the road; in which you inform me that, beyond the reduction in the purchase money for the nine acres absorbed by the roads, you cannot entertain my request. You further state that any claim for compensation to which I might have considered myself entitled should have been preferred in the year 1861, when the roads in question were surveyed.

In reply to this last observation I cannot but express my surprise that such an objection should be advanced to avoid a just claim. I beg to state that I was never informed by the Government that it was intended to survey and establish the roads in question; and that it was not until some time after that I became aware of one of the roads (the westernmost of the two) having been surveyed and marked off; and that I had no knowledge of the road along the banks of the River Forth having been surveyed until the contract for constructing the same had been taken, and in progress of being executed. It is obvious that, the Government having failed to apprise me of the intention to establish these roads, I was not in a position to make a claim for compensation; and I submit that, even if I had been in such a position, the objection raised is a mere technical one, and not in accordance with equity or justice; for I am clearly entitled to the same compensation that has been awarded to others for the injury, expense, and loss they have sustained by the Government making roads through their properties for the benefit of the public, and opening out the Crown Lands. I have always considered that the proper time to make the claim for compensation would be when I was called upon to pay for the land, which I have always been prepared to do when demanded.

I think it right to inform you that I have expended upwards of £4000 in clearing the land, in the erection of buildings and fences, and in the heavy cost of removing the dead trees that fall yearly, to the destruction of the fences in many instances. I consider that the above expenditure gives me a further claim to be compensated for expenses forced upon me by the action of the Government in the construction of roads for the public advantage. The resistance, therefore, to my just claim is anything but encouraging to those who may undertake the expensive work of reclaiming the forests, and bringing them into a state of productiveness.

I confidently and respectfully submit the foregoing statement under the full belief that, in reviewing my claim, you will perceive that it is only what I am justly and equitably entitled to.

I have, &c.,

(Signed) JNO. H. WEDGE.

The Hon. HENRY BUTLER, Minister of Lands and Works.

(Copy.)

LAND REGULATIONS.

THE persons selecting under the Pre-emptive Regulations of November, 1851, have at most but a right to be put in the same position when they have complied with those regulations as other purchasers from the Crown; and as the ordinary form of Grant Deed reserves the right of making roads through the lands granted, I think that roads may be reserved through lands selected under the Pre-emptive Regulations.

W. L. DOBSON.
31. 10. 59.

The Hon. the Colonial Treasurer.

*Lands and Works Office, Hobart Town,
6th December, 1870.*

SIR,

AN amended Land Law having been passed during the last Session of Parliament, it has now become necessary to work up long outstanding claims under former Acts and Regulations. I would, therefore, draw your attention to the non-payment of the purchase money on your selection at the River Forth, which became due in March, 1866, with a request that you will be kind enough to forward a cheque for the same before the end of the present year.

I am aware that you claim a rebate on account of the roads taken through the Lot, but beyond a reduction of the purchase money proportionate to the area taken up by the roads, I regret that it is not in my power to entertain it.

I cannot, however, omit to notice that by the delay in the payment of the purchase money the Government have already sustained a loss to the amount of £182, being interest at six per cent. from March, 1866, to the present time.

I have, &c.,

(Signed) HENRY BUTLER.

J. H. WEDGE, *Esq., Leighland, Perth.*

Leighland, 22nd December, 1870.

SIR,

I AM honored with your letter of the 6th instant, in which you inform me that an "Amended Land Act having been passed during the last Session of Parliament, it has now become necessary to work up outstanding claims, &c.," and request that I will forward a cheque for the amount of my selection at the River Forth. You further say that you are "aware that I claim a rebate on account of the roads being taken through the Lot, but beyond a reduction of the purchase money proportionate to the area taken up the roads, you regret that it is not in your power to entertain it."

I now beg to inform you that by the establishment of the roads in question through my land, the whole area, as a tillage farm, would become useless unless they were fenced; and, therefore, having been established subsequently to my purchasing the land for the public use,—and moreover as part of the land so taken for the roads, and which had been cleared previously by me at considerable expense, I consider that I am justly entitled to compensation. I, therefore, beg to inform you that I shall be quite prepared to pay the full amount of purchase money upon receiving an undertaking (say by letter) from you, agreeing on behalf of the Government to leave my claim for compensation to be determined by arbitration.

I have, &c.,

(Signed) JNO. H. WEDGE.

The Hon. HENRY BUTLER, Minister of Lands.

*Lands and Works Office, Hobart Town,
24th December, 1870.*

SIR,

I HAVE the honor, by direction of the Hon. the Minister of Lands and Works, to acknowledge the receipt of your letter of the 22nd instant, on the subject of the payment of the purchase money for your pre-emptive right lot at the River Forth, and to inform you in reply that the money must be paid into the Colonial Treasury by the end of the year.

Dr. Butler desires me to add that he cannot, at present, agree on behalf of the Government to refer your claim for compensation on account of roads, &c. taken through the lot to arbitration.

I have, &c.,

(Signed) E. W. BOOTHMAN,

Deputy Commissioner of Crown Lands.

J. H. WEDGE, *Esq., Leighland, Perth.*

Leighland, 27th December, 1870.

SIR,

I YESTERDAY received your letter of the 24th instant, in which you inform me that, on the subject of the purchase money for my pre-emptive right lot at the River Forth, the money must be paid into the Colonial Treasury by the end of the year; and in addition I am informed, that you cannot, at present, agree on behalf of the Government to refer my claim for compensation on account of roads, &c. taken through the lot to arbitration.

I beg respectfully to state, that in transmitting the money I am under the belief that I am justly entitled to what I claim, and therefore in sending it I do it under protest, and will await your final decision upon my proposition to leave my claim to be compensated for the expense imposed upon me by the Government in having established the roads in question through my purchased lot.

I have, &c.,
(Signed) JNO. H. WEDGE.

The Hon. HENRY BUTLER, Minister of Lands.

December 29th, 1870.

MY DEAR SIR,

IT was requisite, on account of the financial year, that as far as possible all unliquidated balances should be settled; but it does not prejudice in any manner any claim you have against the Government.

Truly yours,

HENRY BUTLER, *Minister of Lands and Works.*

J. H. WEDGE, *Esq.*

Medland, River Forth, 14th January, 1871.

SIR,

IN having the honor of acknowledging the receipt for £631 from your Office, purporting to be for the purchase of Lot 402, 631 acres, I beg to state that the document in question has been prepared in error, both as to the number of acres and the amount I have paid. It will be seen that I purchased 640 acres, of which, after being surveyed by the Government officials, I was put in possession, and, as required, I remitted a cheque to the Hon. the Minister of Lands and Works for the the amount due, viz. £640.

I return herewith the paper that has been sent in error, with the request that a receipt for the full amount may be forwarded to me at your convenience.

I have, &c.,
(Signed) JNO. H. WEDGE.

The Hon. T. D. CHAPMAN, Colonial Treasurer.

Medland, River Forth, 26th January, 1871.

SIR,

I HAVE the honor to acknowledge the receipt of a letter bearing date 18th instant from your Office, written under your direction, informing me, in reply to my letter of the 14th instant, in which I returned the receipt prepared in error for £631 for the land I purchased from the Government, Lot 402, 640 acres, in Parish of Abbotsham, that "the receipt was issued advisedly for £631, and £9 placed in the suspense account pending the receipt of information from the Survey Department." And further, that you are "now informed that the Honorable Commissioner of Lands and Works has communicated with me on the subject of the reduction of the area of the land in question, and that the balance of £9 should be returned to me; and that you therefore enclose a cheque for that amount, and also return the receipt for £631."

In acknowledging the receipt of the letter and its enclosures, I beg to state that I respectfully decline to receive the cheque for £9 as in full payment of my claim upon the Government for the injury I sustain and expense incident to fencing off the two roads taken through my land by the Government since I became the purchaser and been in possession of it; and therefore if I retain the cheque it must be on the full understanding that I accept it only as in part payment of what is due to me for the loss I sustain by the act of the Government. If, under this understanding, you should require the return of the cheque, I will forward it on hearing from you to that effect.

In reference to that portion of the communication you have received from the Survey Department, in which you are told that the Hon. the Commissioner of Lands and Works has communicated with me on the subject of the reduction of the area of the land in question, I beg to state that I have not received any communication on the subject from that gentleman; and I object to any reduction or alteration being made in the quantity of land I purchased. I therefore submit that I am entitled to a receipt for the full amount I have paid (£640); and I have to request that you will forward one to me. On its arrival I will return the receipt I hold for £631.

I have, &c.,
(Signed) JNO. H. WEDGE.

The Hon. THOS. D. CHAPMAN, Colonial Treasurer.

Medland, River Forth, 27th January, 1871.

SIR,

IN reference to the communication in a letter of the 24th ultimo from Mr. Boothman, wherein he states that you could not *at present* agree on behalf of the Government to refer my claim for compensation on account of roads, &c. taken through my lot of land to arbitration, I have the honor to express the hope that you will at an early day communicate to me your decision thereon, as it is desirable that the question should be settled without unnecessary delay.

I have, &c.,
(Signed) JNO. H. WEDGE.

The Hon. HENRY BUTLER.

Lands and Works Office, Hobart Town, 6th February, 1871.

SIR,

I AM desired by the Honorable the Minister of Lands and Works to reply to your letter of the 27th ultimo, on the subject of compensation for the roads taken through your pre-emptive right lot at the River Forth, and to state that Dr. Butler would be glad to receive the information which you some time ago promised to supply him with, namely,—the names of persons similarly circumstanced as yourself who had received compensation from the Government for roads taken through their pre-emptive right lands.

I have, &c.,
(Signed) E. W. BOOTHMAN,
Deputy Commissioner Crown Lands.

J. H. WEDGE, *Esq., Medland, River Forth.*

Medland, River Forth, 11th February, 1871.

SIR,

IN compliance with the desire in Mr. Boothman's letter of the 6th instant, written under your instructions, to send the names of parties who have received compensation from the Government for fencing, &c. where roads have been taken through their lands, I have the honor to inform you that I have enquired of one of the parties the names of some others who, besides himself, have received compensation for fencing the road taken through the lands in their occupation, namely,—Robert Stone, William Crawford, Andrew Risbey, and Robert Tait.

When I was favoured with an interview at your Office some time back, you took a note of the name of a person (I have not a memorandum of it here) who received similar compensation. I think it was in the Scottsdale country; and I have since learnt that Mr. Hall, on the Huon Road, received similar compensation.

I have, &c.,
(Signed) JNO. H. WEDGE.

To the Hon. HENRY BUTLER, Minister of Lands and Works.

MEMORANDUM.

PARTICULARS of Compensation made to the under-mentioned Persons.

Castra Road, Ulverstone.—Constructed under Public Works Acts. Robert Stone. For fencing boundary through Mr. Edgecomb's land of which Stone is tenant, £28 16s., being the condition upon which Mr. Edgecomb assented to line of road being taken through his property.

Penguin Road.—Robert Tait. For land and fencing, £38 8s., the road being taken through the centre of grass paddock.

Scottsdale Road.—Jonas Cherry. Fencing on one side of boundary, £21. In this case the line of road divided a piece of land of a triangular shape, causing severance of the property, and Mr. Cherry required that a portion should be fenced.

Huon Road.—Trustees of Hall. Claimed for taking road through boundary of garden, the original surveyed line having been altered, and road as now made diverted from its proposed course when first laid out. Compensation awarded for portion of garden taken.

William Crawford and Andrew Risbey. No record in this Office.

Transmitted for the information of the Hon. the Minister of Lands and Works, with letter of Mr. Wedge of 11th February, 1871, received from the Minister 30th May, 1871.

JAMES GRAY, *Clerk Public Works.*
2nd June, 1871.

The Hon. the Minister of Lands and Works.

Lands and Works Office, Hobart Town, 15th June, 1871.

SIR,

I HAVE the honor to inform you that I have reconsidered all the points in your letter urging your claim for a similar compensation being made to you that others have received for the injury, expense, and loss sustained by the Government making roads through their lands. I have ascertained the circumstances under which compensation has been made to the individuals to whom you refer, but I do not concur in your opinion that their cases were analogous to your own, or that they could be cited as precedents.

The Road was laid out in 1861, and at that time the Grant of the Land selected by you for purchase at the River Forth, under the regulations of 1851, had not issued.

At the time the road was marked out a resolution was passed by the Northern Board of Works to the following effect:—"That Mr. Dooley be requested to send a tracing of his proposed revision of the present surveyed line of road, as also send plan of the lands belonging to parties who claim compensation for the road passing through their lands, with a view to the amount of their claims being settled by arbitration under the authority of the *Devon Road Trust.*" The Chairman of the Northern Board of Works of that day, as also Mr. Dooley, inform me that they have no recollection of any claim for compensation having been made by you. The extent of the Land occupied by the road has been deducted from the area of the Grant, and has not been paid for.

I desire also to call your attention to the fact that, if at the time the road was taken through your property a claim had been made by you for compensation, any arbitration would have been proceeded with, not by the Government, but under the authority of the *Devon Road Trust.* I would refer you also to a paragraph in my letter of the 6th December last, in which I called to your notice that by the delay in the payment of the purchase money the Government have already sustained a loss to the amount of £182, being interest at 6 per cent from March, 1866, to the time when you completed the purchase of the land.

Under these circumstances I cannot recommend to the Governor in Council any appropriation of public money as compensation for the loss stated to be sustained by you by the road traversing your property; and I am, therefore, unable to agree on behalf of the Government to refer your claim to arbitration.

I have, &c.,

(Signed) HENRY BUTLER.

J. H. WEDGE, *Esq.*, care of Messrs. DOUGLAS &
COLLINS, *Launceston.*

Leighland, 28th June, 1871.

SIR,

I FIND that in both the memorial and the letter I addressed to the Governor in Council, as well as in my correspondence with the Hon. the Minister of Lands and Works, on the subject of my claim upon the Government, I omitted to draw attention to the fact that the roads through my property were marked out by Mr. Surveyor Thomas under instructions from the Government long

before the Northern Board of Works and Devon Road Trust were in operation, or even in existence. Consequently the Honorable the Minister of Lands and Works has erroneously stated, under a misapprehension of facts, that the roads in question were defined in 1861 under the authority of the Devon Road Trust. The very circumstance of Mr. Dooley being required by the Northern Board of Works to revise and alter the roads marked out by Mr. Thomas, proves that they were in existence before the Northern Board of Works and Devon Road Trust had anything to do with the road in the district. This indubitably proves the validity of my claim, and that it is to the Government I must look for compensation for the injury I sustain.

As I learn from the Private Secretary that His Excellency the Governor has forwarded my memorial and letter to the Executive Council, I have the honor to request that you will bring this letter also under the consideration of the Executive.

I have, &c.,

(Signed) JNO. H. WEDGE.

*The Hon. J. M. WILSON, Esq., M.L.C.,
Colonial Secretary, Hobart Town.*

FORWARDED to the Hon. the Minister of Lands and Works. I have acknowledged the receipt of this letter, and acquainted Mr. Wedge that it will be laid before the Executive Council in due course.

J. M. WILSON.
29th June, 1871.

Leighland, near Perth, 12th August, 1871.

SIR,

I REGRET the necessity of troubling Your Excellency again on the subject of the memorial I had the honor of forwarding for the consideration of Your Excellency in Council; but having had no reply from your Responsible Ministers, as I was led to expect from Mr. Chichester's note of the 25th June, nor the acknowledgment of a letter I addressed to the Colonial Secretary in the absence of Your Excellency from the Colony, I now take leave to solicit attention to my appeal, and to request that I may be favoured with the decision of the Government on my claim.

Lest my letter of the 28th of June last should not have been received by the Hon. Colonial Secretary, I have now the honor of forwarding a copy thereof.

I have, &c.,

(Signed) JNO. H. WEDGE.

*To His Excellency CHARLES DU CANE, Esquire,
Governor, &c.*

REFERRED to Ministers for an answer to be sent to Mr. Wedge.

C. D. C.
14. 8. 71.

FORWARDED to the Hon. the Minister of Lands and Works for his observations.

J. M. WILSON.
16th August, 1871.

MEMO.

Mr. Wedge's memorial was forwarded to the Hon. the Minister of Lands and Works on the 24th June, and Mr. Wedge's letter to the Colonial Secretary, of which this is a copy, was also sent forward on the 29th of that month.

B. TRAVERS SOLLY,
16th August, 1871.

Colonial Treasury, 18th January, 1871.

SIR,

I AM directed to acknowledge the receipt of your letter of the 14th instant, returning a receipt issued from this office for £631, being for purchase money of 631 acres of land, and requesting that the amount of the receipt might be altered, as you had forwarded £640 for the purchase of 640 acres. In reply, I have the honor to inform you that the receipt was issued advisedly for £631, and £9 placed in the Suspense Account, pending the receipt of information from the Survey Department.

I am now informed that the Honorable the Minister of Lands and Works has communicated

with you on the subject of the reduction of the area of the land in question, and that the balance, £9, should be returned to you. I therefore enclose a cheque for that amount, and also return the receipt for £631.

I have, &c.,
(Signed) W. LOVETT, *Assistant Colonial Treasurer.*

J. H. WEDGE, *Esq., River Forth.*

Colonial Treasury, Hobart Town, 3rd February, 1871.

MEMO.

THE Colonial Treasurer begs to forward herewith two letters from Mr. John H. Wedge, of Medland, River Forth, dated 14th and 26th of January, in reference to the payments made by that gentleman on Lot 402.

Copies of the letters forwarded from this Department to Mr. Wedge in reply are also attached herewith, for the information of the Minister of Lands and Works. The Colonial Treasurer desires to call the attention of the Minister of Lands and Works to these letters; and as the question raised by Mr. Wedge can be better dealt with by the Lands and Works Department than by the Treasury, the Colonial Treasurer proposes leaving all further correspondence on the subject with the Lands and Works Department.

THOS. D. CHAPMAN, *Colonial Treasurer.*

The Hon. the Minister of Lands and Works.

Colonial Treasury, 3rd February, 1871.

SIR,

I AM directed by the Hon. the Colonial Treasurer to acknowledge the receipt of your letter of the 26th ult., which reached this Department on the 1st instant, and in reply I am instructed to state that your letter has been forwarded to the Hon. the Minister of Lands and Works, who will no doubt communicate with you in reference thereto.

I have, &c.,
(Signed) W. LOVETT, *Assistant Colonial Treasurer.*

JOHN H. WEDGE, *Esq., J.P., Medland, River Forth.*

Launceston, 4th May, 1871.

SIR,

WE are requested to write you in reference to the grant to Mr. J. H. Wedge of land at the Forth.

It appears that roads have been made through this land by the Government, and compensation is demanded by Mr. Wedge. Will you let us know what the Government intend doing, as we are anxious to obtain the grant?

Yours obediently,

DOUGLAS & COLLINS.

H. Y. BUTLER, *Esq., Minister of Lands and Works, Hobarton.*

Launceston, 22nd May, 1871.

SIR,

MR. J. H. Wedge has handed us your letter of the 13th instant, wherein you state that a Crown Grant for 631 acres has been forwarded to the Colonial Secretary, &c., and that same would be issued on payment of 12s. 6d. to Mr. Wedge.

Mr. Wedge declines to receive a grant for 631 acres, having purchased and paid for 640 acres, and having further communicated with the Minister of Lands and Works hereon.

We have likewise written to the Minister, but received no reply.

Will you bring this subject before the Minister, and state that we are prepared to arbitrate the dispute, or to receive fair and reasonable compensation.

Yours obediently,

DOUGLAS & COLLINS.

E. BOOTHMAN, *Esq., Lands and Works Office, Hobarton.*

To His Excellency the Governor in Council.

THE Memorial of JOHN HELDER WEDGE respectfully represents that he became a purchaser of 640 acres of land under the Pre-emptive Right Regulations, about the year 1855 or 1856.

That the said area of 640 acres was surveyed and marked off, and Memorialist put into possession; the survey fee and all other subsequent government claims paid.

That he has ever since occupied the land, and made extensive improvements thereon by clearing the heavily-timbered forest, the erection of farm buildings, and substantial post and rail fences, at cost of upwards of £4000.

That, subsequently to the land being purchased, the Government proclaimed two lines of road through it, without making any communication to Memorialist of the intention to do so, and Memorialist respectfully calls in question the legality of such proclamation.

That one of the said roads—the one leading from Hamilton-on-Forth to Kentishbury—is of no use to him, being for the sole benefit of the occupiers of land to the south of his property; and the other road, leading up the course of the River Forth, depreciates his property by cutting off the water frontage from the bulk of the land, leaving but a very narrow space between the road and the river, as shown by the accompanying diagram.

That the severance of the property by these roads renders the adjoining lands valueless for either cultivation or grazing purposes, unless protected by fences.

That, in tendering payment for the land, your Memorialist claimed a reduction of the purchase-money to the extent of the cost of fencing the roads in question.

That in reply thereto the Honorable the Minister of Lands and Works, in his letter of the 6th December, 1870, states,—“I am aware that you claim a rebate on account of the roads taken through your lot, but beyond a reduction of the purchase-money, proportioned to the area taken up by the roads, I regret that it is not in my power to entertain it.”

That, strongly impressed with the belief that he is equally entitled as others to the compensation he claims, your Memorialist proposed by letter, 22nd December, 1870, that his claim should be determined by arbitration.

That on the 24th of December, 1870, a letter was written by the Deputy Commissioner of Crown Lands by the direction of the Honorable the Minister of Lands and Works, stating “that the money must be paid into the Colonial Treasury by the end of the year. And further, that Dr. Butler desires me to add, that he cannot *at present* agree on behalf of the Government to refer your claim for compensation on account of roads, &c. through your lot to arbitration.”

That, on remitting on the 27th December, 1870, the payment for the land, viz. £640, it was done under protest, with an intimation that he would await the decision of the Honorable the Minister of Lands and Works upon the proposal to leave the claim for compensation to arbitration.

That on the receipt of the £640 the Honorable the Minister of Lands and Works communicated on the 29th December, 1870, that payment for the land “does not prejudice in any manner any claim you have against the Government.”

That, on or about the 10th January, 1871, a receipt for £631 was forwarded from the Honorable the Colonial Treasurer's Office, instead of for £640,—the amount that had been paid. Your Memorialist, therefore, returned the receipt, with the request that another should be forwarded to him for the correct amount paid.

That, in reply to the above request, the Assistant Colonial Treasurer communicated “that the receipt was issued advisedly for £631, and £9 placed in the suspense account pending the receipt of information from the Survey Department.” And further stated, that “I am now informed that the Honorable the Minister of Lands and Works has communicated with you on the subject of the reduction of the area of the land in question, and that the balance of £9 should be returned to you, I therefore enclose a cheque for that amount, and also return the receipt for £631.”

That your Memorialist, on the receipt of the above communication, addressed a letter to the Honorable the Colonial Treasurer on the 26th of January, 1871, to the effect that, if he retained the cheque for £9, it must be on the full understanding that it was only as in part payment of what is due to him; and that, if under this understanding it was required, the cheque should be returned.

That, in reference to that portion of the Assistant Colonial Treasurer's statement that he had been “informed that the Honorable the Minister of Lands and Works had communicated with you on the subject of the reduction of the area of the land in question,” your Memorialist begs to state emphatically that he never had any communication with or from the Honorable the Minister of Lands and Works on the subject; and that he has never in any way consented to a reduction in the area of the land he purchased.

That your Memorialist has on two occasions (27th January and 15th of March, 1871,) applied to the

Honorable the Minister of Lands and Works to ascertain if the offer to refer his claim for compensation to arbitration will be acceded to. To these applications he has not been honored with a reply.

That your Memorialist, at the request of the Honorable the Minister of Lands and Works, forwarded for his information the names of parties that have come to his knowledge who have been compensated, or the roads fenced which have been taken through their lands. Since which he has ascertained, by reference to Parliamentary Returns, that the occupiers of lands through which the several lines of road pass have either been recompensed, or the sides of the roads fenced; viz., the new Huon Road, Port Cygnet Road, Cambridge Road, Patersonia and Ringarooma Road, Leven and Blythé Road, and Ulverstone and Castra Road.

That your Memorialist has received an intimation from the Honorable the Minister of Lands and Works Office that a grant for 631 acres has been prepared. His Solicitors, Messrs. Douglas and Collins, on the 4th of May, 1871 wrote to the Honorable the Minister of Lands and Works to know "what the Government intended doing" concerning the proposal to leave the question at issue to arbitration: to which application they have received no reply. They also wrote in reference to the preparation of a grant for 631 acres, being a reduction from the area purchased, to which I respectfully object. In reply, the Honorable the Minister of Lands and Works promised to pay immediate attention.

Your Memorialist submits that, as the two roads have been proclaimed by the Government for the benefit of the public through his purchased lot of 640 acres, since he became the purchaser, he is equally entitled to be remunerated as others have been under similar circumstances. He is strengthened and confirmed in this belief of the justness of his claim by the legal opinion obtained by the Honorable the Minister of Lands and Works from the Honorable the Attorney-General, to the effect that, on the occasion of proclaiming roads through purchased property, the Government is bound to place the proprietor in the same position as when he became the purchaser. He also submits that the Government having proclaimed the two lines of road through his property for the public benefit, it involves the necessity of erecting fences on each side of the roads, altogether a distance of two miles and a quarter; and that the attempt to impose upon your Memorialist in his individual case this which he would not otherwise have incurred, and to reduce the area of the land purchased from 640 to 631 acres, is manifestly unjust, and making an invidious distinction to his prejudice.

Your Memorialist, as the principle of indemnifying parties under the circumstances alluded to has been recognised and sanctioned by Parliament, and acted upon by the Government, is consequently under the full belief that he is only preferring a just claim. He, therefore, respectfully and confidently appeals to Your Excellency in Council, and prays that the premises detailed may be favourably considered, and justice be done him, by ordering a grant to be issued for 640 acres, and the cost of clearing one of the said roads, and the erection of two miles and a quarter of fencing, to be paid him amounting to £280.

And your Memorialist will ever pray.

JNO. H. WEDGE.

Leighland, near Perth, 22nd June, 1871.

SIR,

I HAVE the honor of addressing Your Excellency on the subject of a claim I have upon the Government.

Not having received a reply to letters I addressed to the Hon. the Minister of Lands and Works some time back, in reference to my offer of leaving my claim upon the Government to arbitration, I had prepared, and was on the point of forwarding the accompanying memorial, appealing to Your Excellency in Council; but on Saturday last I received a letter from that Honorable Gentleman, giving reasons for not recommending my claim for compensation for the injury I sustain by the severance of my land by the two roads adverted to in the Memorial; and for not agreeing to my offer to leave the question at issue to arbitration.

As I consider the arguments advanced by the Honorable Minister of Lands and Works in support of the decision he has arrived at to be altogether fallacious and unjust; and instead of doing away with the necessity of troubling Your Excellency, which I was in hopes would have been the case, it has rendered it still more necessary that I should transmit it. I have deemed it necessary to defer forwarding the Memorial for a few days to enable me to make a few observations. And in order that Your Excellency may be in possession of every particular bearing upon my claim, I will place the Honorable Gentleman's remarks and my reply thereto in juxtaposition, as follows:—

Ist. I have ascertained the circumstances under which compensation has been made to individuals to whom you refer, but I do not concur in your opinion that their cases are analogous to your own, or that they could be cited as precedents.

I beg respectfully to reply that in case of the arbitrary severance of property by the Government proclaiming roads through private lands for the benefit of the public; the injury in every case is the same, and equally involves the necessity of the roads being fenced off to protect the cultivated fields from being trespassed upon, and to prevent the stock from straying from those lands that are appropriated to grazing purposes. I am unable to perceive in what respect the particulars of my claim differ from those who received compensation under similar circumstances; and I cannot help considering it to be exceedingly unjust to make a distinction to my prejudice.

2nd. The road was laid out in 1861, and at the time the grant of the land selected by you for purchase at the River Forth, under the regulations of 1851, had not been issued.

3rd. At the time the road was marked out a resolution was passed by the Northern Board of Works to the following effect:—"That Mr. Dooley be requested to send a tracing of his proposed revision of the present surveyed line of road, as also send a plan of the lands belonging to parties who claim compensation for the road passing through their lands, with a view to the amount of their claims being settled by arbitration under the authority of the *Devon Road Trust*." The Chairman of the Northern Board of Works of that day, as also Mr. Dooley, inform me that they have no recollection of any claim for compensation having been made by you. The extent of land occupied by the road has been deducted from the area of the grant, and has not been paid for.

4th. I desire also to call your attention to the fact, that if at the time the road was taken through your property a claim had been made by you for compensation, any arbitration would have been proceeded with, not by the Government, but under the authority of the *Devon Road Trust*. I would refer you also to a paragraph in my letter of the 6th December last, in which I called your notice that by the delay in the payment of the purchase money the Government have already sustained a loss of £182, being interest at 6 per cent. from March, 1866, to the time you completed the purchase of the land.

The grant, up to the present time, has not been issued; but the land, 640 acres, was surveyed, and I was put in possession of it, and I paid the survey fee and all other demands upon that quantity of land, and I have occupied and improved it, trusting to the good faith of the Government.

As no copy of the resolution referred to, or of Mr. Dooley's tracing, was ever sent to me, and as I was in perfect ignorance of anything done by the *Devon Road Trust*, it is absurd to argue that I can be bound by any act of that body. Had the courtesy of a communication been extended to me, I should, as a matter of course, have protected my interest by a claim for compensation in the way pointed out, as it would have been a matter of perfect indifference to me whether I was indemnified by the Government or the *Devon Road Trust*. But I beg to remark that the surveying and proclaiming the lines of road in question was the act of the Government, having been done under its authority and instructions; and, therefore, it was, and is, from the Government alone that I could or can claim to be recompensed for the injury I have sustained.

The statement in the last sentence does not convey a correct version of the transaction. In conformity with the requirement in letters bearing date 6th and 24th December, 1870, from the Honorable the Minister of Lands and Works, or written by his order, I paid the full amount for 640 acres, £640. I did so under protest, as being entitled to a reduction on account of the expense imposed upon me by the severance of the land by the roads taken through it. In reply to my protest the Honorable the Minister of Lands and Works wrote the 29th December, 1870, that, my having paid for the land, "it does not prejudice in any manner any claim you have against the Government." Subsequently to this the Hon. Colonial Treasurer sent me a receipt for £631, which I returned with the request that one should be forwarded to me for £640, which request was not complied with, but the same receipt was sent back to me, together with a cheque for £9, as a compensation for the loss I sustain. In acknowledging the receipt of the cheque I distinctly stated, "that I declined to receive the cheque for £9 as in full payment of my claim upon the Government for the injury I sustain, and the expense incident to fencing off the roads taken through my land by the Government since I became the purchaser and been in possession of it; and therefore if I retain the cheque it must be on the full understanding that I accept it only as in part payment of what is due to me for the loss I sustain by the act of the Government." I also objected in the same letter to any alteration in the area of the land I purchased and paid for. I maintain that by the arbitrary fixing the amount of compensation by the Honorable the Minister of Lands and Works, and causing a cheque for £9 to be sent to me, is neither equitable nor just, and I question his power to alter the area of the land I purchased. Moreover, there can be no doubt that I am now equally entitled to a grant for 640 acres, having paid all that is due to the Government, as I should have been had the land been paid for before the roads were defined.

I have already explained in my answer to paragraph No. 3, that I had no communication from the Northern Board of Works, or from Mr. Dooley, that it was necessary, in the event of having a claim for compensation, that it should be submitted to and decided by arbitration under the authority of the *Devon Road Trust*. Nor was I in any way made aware of the arrangement made by the Northern Board of Works. It was, consequently, impossible that I could avail myself of that arrangement. I should have been quite willing to have done so, as I should have had full confidence that justice would then have been done me. At the same time, I can only repeat that, as the roads were defined under the authority of Government, it is to the Government alone that I can look to be indemnified. As the Honorable Minister of Lands and Works again adverts to the loss which he says the Government has sustained by the delay in the payment for the land, I beg to remark that it was no fault of mine, as I was always prepared to pay it when called upon.

I have now the honor to make the request that Your Excellency will be pleased to allow me to be heard by Counsel in support of the prayer of my Memorial, and also that this letter may, together therewith, be submitted for consideration. In conclusion I beg to state, that I am still willing to leave my claim to arbitration.

Apologising for troubling Your Excellency at so great a length,

I have the honor to remain,
Your Excellency's obedient and humble Servant,
JNO. H. WEDGE.

To His Excellency CHARLES DU CANE, Esq., Governor.

Leighland, Perth, 11th October, 1871.

SIR,

ON the 22nd June, 1871, I did myself the honor of forwarding to His Excellency the Governor a memorial setting forth the particulars of my claim to be indemnified by the Government for taking two roads through my land since I became the purchaser of it, in acknowledging the receipt of which by His Excellency I was courteously informed by the Private Secretary that it would be laid before the Executive Council, and from which body I should receive a reply. After the departure of His Excellency for South Australia, I addressed an official letter to you, as the head of the Government, on the 28th June, 1871, in further support of my claim; and made the request that you would bring it also under the consideration of the Council when my memorial was under discussion.

As I have not yet been favored with a reply to my memorial, nor with an acknowledgment of the receipt of the letter I addressed to you, I now beg to ask if it has been received? And also, if I am to be honored with an answer to my memorial?

I have, &c.,

(Signed) JNO. H. WEDGE.

JAMES M. WILSON, Colonial Secretary.

FORWARDED to the Hon. the Minister of Lands and Works, with a request that some action may be taken on this matter.

J. M. WILSON.
12th October, 1871.

Lands and Works Office, Hobart Town, 25th October, 1871.

SIR,

I HAVE the honor to forward for the information of the Cabinet all the papers connected with Mr. Wedge's claim for compensation for loss which he states he has sustained by roads being reserved through the land at the River Forth, which he purchased from the Crown under the Pre-emptive Regulations of November, 1851, together with copy of my letter to that gentleman of the 15th of June last.

I have, &c.,

(Signed) HENRY BUTLER.

The Hon. the Colonial Secretary.