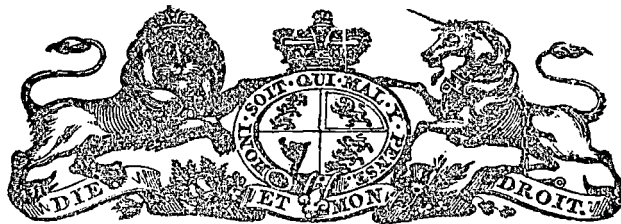


(No. 108.)



1876.

T A S M A N I A.

H O U S E O F A S S E M B L Y.

MR. HENRY'S LEASE.

EVIDENCE TAKEN AT THE BAR OF THE HOUSE.

Ordered by the House to be printed, November 2, 1876.



MR. HENRY'S LEASE OF CERTAIN LAND AT DELORAINE.

EVIDENCE taken at the Bar of the House of Assembly.

MR. HENRY JOCELYN HULL *examined.*

1. *Mr. Douglas.*—Your name, Mr. Hull? Henry Jocelyn Hull.
2. And your profession? Deputy Commissioner of Crown Lands.
3. Do you produce the correspondence between the Government, Mr. Henry, and the Municipality of Deloraine with reference to the proposed lease? I do.
4. So far as you know, is that all the correspondence? As far as the Lands and Works Office is concerned, it is.
5. Has all the correspondence been printed? No.
6. What portion of it has not been printed? There is a letter from Mr. Henry on the 22nd September, instructions from the Minister of Lands on the 25th September, and two letters from Mr. Sorell respecting diagrams and surveys.

[Documents read, as follows:—]

Hobart Town, September 22nd, 1876.

"Sir,—I beg to request you will kindly inform me at your earliest convenience the cause of the delay in preparing my lease (of Crown reserve at Deloraine) in accordance with letters from your office under date the 15th August last. I have sent a copy of this letter to the Hon. C. Meredith, M.H.A., who at the date mentioned was the head of the Lands and Works Office.

"I remain, Sir, yours, &c.,

"SAMUEL HENRY.

"*Hon. C. O'REILLY, M.H.A., Minister of Lands.*"

7. Are these the letters you refer to as having been received from Mr. Sorell? Yes.

[Letters read, as follows:—]

"Lands and Works Office, 9th October, 1876.

"Sir,—The survey you sent me of Mr. Henry's mill site and water race is too rough a document to be kept as a record in this office.

"I must request you to furnish a proper diagram of the survey in question as the description in the lease refers to a 'plan' deposited in the Lands and Works Office.

"I have the honor to be, Sir,

"Your very obedient Servant,

"(Signed) H. J. HULL.

"*H. P. SORELL, Esq., Deloraine.*"

[Endorsed.]

10th October, 1876.

"Please return rough plan. I had no time to prepare another as orders came by telegraph. I sent it down to Mr. Henry, and not to the office. I am fully aware that the plan is *not fit* for the Survey Office, and is not signed by me.

"(Signed) H. PERCY SORELL.

"*The Honble. the Surveyor-General.*"

"*Note.*—I have no copy of plot. I presume you only require flat plan—say on 8 chains to the inch. This will come on diagram sheet I think.

"Do you intend to pay for survey? That is, am I entitled to charge? The plan sent is Henry's private property.

"In haste,
"H. P. S."

"Deloraine, 20th Sept., 1876.

"My dear Sir,—You will see by returned letter that I have studied the question.

"The line of race could not be bettered

"Hold 50 links along river to township boundary.

"Yours truly,

"(Signed) H. PERCY SORELL."

8. Is there any memorandum on one of these letters which is not copied in this correspondence? Yes.

9. Has that appeared in the correspondence? No.

[Memorandum read, as follows:—]

"[Memorandum.]

"The Solicitor-General will kindly give instructions that Mr. Henry's lease of a portion of the Esplanade at Deloraine be prepared without delay.

"(Signed) C. O'REILLY, Minister of Lands and Works.

"25th September, 1876."

[Endorsement.]

"The lease herewith.

"(Signed) F. STOPS,
"For the Solicitor-General (absent.)

"4th October, 1876."

10. Have you seen the lease granted by the Government to Mr. Henry, and do you produce it? It was read over to me before it was engrossed.

11. Does that lease refer to a plan? Yes.

12. Will you produce that plan? You have it.

13. Is that what you call the plan? Yes.

14. That is the only plan you have deposited in the office? At present.

15. The words of the lease are these:—"And whereas the said Samuel Henry has lately caused a plan or diagram to be prepared wherein the mill-race or water-course and the piece of land which are respectively hereinafter referred to are shown, and the said plan or diagram has been deposited and is intended to be kept in the office of the Commissioner of Crown Lands at Hobart Town in Tasmania." Is that the only copy you have? That is the only diagram we have at present that has been deposited.

16. How can you put that in the place of this, another document which has not been deposited? No answer.

17. That is the plan and the only one. Is that signed by the Governor or Mr. Henry? No.

18. Does that lease demise the water-course for 50 years and the mill site for 30 years? Yes.

19. Can you give any explanation in reference to this, and why the term of years should not expire simultaneously? I cannot. (*A pause.*) You will allow me to correct myself. The mill site is under one section and the water-race under another section. Thirty years is the limit of the mill site, and 99 years the limit of the water-race.

20. How is it that the mill site is for 30 years and the race for 50 years? That has nothing to do with me.

21. Did any conversation take place in your presence between Mr. Meredith and Mr. Henry as to why the terms should be 50 years for one and 30 years for the other? I don't recollect.

22. Was it not stated in your presence that if this water-race was for 50 years it would virtually give the lease of the mill site also for 50 years? I don't recollect.

23. Are you aware that a lease was proposed to be given by Mr. Moore, the Minister of Lands, to Mr. Henry? Yes.

24. Were the terms of that proposed lease the same as the lease granted? No.

25. In what respects did they differ? Mr. Moore told me he would only grant a 21 years lease.

26. Before Mr. Moore left office did he give you any instructions relative to the proposed lease? Yes, he did. He told me to be sure and tell Mr. Meredith not to give Mr. Henry more than 21 years. Those were his last words when he left office.

27. Did you acquaint Mr. Meredith with that fact. Mr. Meredith wrote to Mr. Henry to that effect; at least, he instructed me to write to Mr. Henry, as you will see by the correspondence.

28. Be kind enough to answer my question. Did you communicate that fact to Mr. Meredith? Yes.

29. Did you receive a letter from Mr. Moore, dated 24th August? Yes.

30. Have you that letter with you? Not with me now. I don't know whether I have not destroyed it. It might be in my drawer at the office.

31. If I produce a copy do you think you could recollect it? Of course.

32. Will you peruse that letter and see if you think that is a copy? (Witness read letter.) That is a copy.

Letter read as follows:—

"[Copy.]

"My dear Hull,—I herewith enclose you a letter I have just received from the Warden of Deloraine. Henry appears to have been doing a little dirty work. I never consented to any site other than the one approved of by the Municipal Council of Deloraine. I objected at the time to any alteration of the site, and said I did not like its removal to, or near, the new bridge. I hope this will be in time to stop this kind of thing. I do not write this officially, as I have now hardly any right to interfere, but I certainly approved of the site applied for and agreed to by the Council and no other.

"You will kindly return Douglas's letter as it is private.

"Yours very truly,

"W. MOORE."

"Deloraine, 8th August, 1876.

[Portion of Mr. Samuel Henry's letter not published.]

"I received your telegram, and was expecting a letter from you on the same subject. Do not forget to keep me advised, and anything that I can do will be done to secure the end.

"Hon. C. MEREDITH, Minister of Lands."

33. Did you at any time communicate the substance of that letter, so far as the lease is concerned, either to Mr. Meredith or to Mr. O'Reilly? No.

34. Did Mr. Moore call on you at your office on the 13th September, and if so did he at that time inform you that he had on the 11th of that month inspected the ground applied for at Deloraine by Mr. Henry, under the first and second application, and as the result of such inspection strongly object to the issue of a lease for the second site applied for, on the ground that it was not required for the purposes stated by Mr. Henry, and if granted would otherwise injuriously affect the public interests? I recollect a good deal of that; but I can't say I recollect all of it.

35. Do you recollect Mr. Moore calling on you? I recollect his calling at the office. I don't recollect exactly all the conversation on Mr. Henry's lease.

36. That was the purport of the conversation? A good deal of what you have read was the purport of it. I can't recollect all of it. I know he said he had inspected the site, but whether he said it would injuriously affect the public interests or not I can't say.

37. Did he say he objected to it? Decidedly.

38. You have stated, I think, that you saw the draft lease on the 27th September? I think it must have been. I telegraphed for Mr. Sorell to send a description necessary for this lease. I think it was on the 27th I saw the draft lease. Either on the 26th or 27th.

39. Where? At the Solicitor-General's office.

40. Was Mr. Henry present? Yes.

41. Who besides? Mr. Morriss. He was doing duty in the absence of the Solicitor-General.
42. Did Mr. Henry urge the immediate engrossment of that lease? Yes. He was anxious to get out of town, and said he wanted the lease signed before he left.
43. Mr. Gray.—You referred to the site for 21 years, which you said was to be granted to Mr. Henry. For what site was that lease to be granted? I was under the impression that it was the second site.
44. That is the site which has now been granted in the lease to Mr. Henry? Yes.
45. Mr. Giblin.—Mr. Hull, will you kindly look at the letter of the 3rd July, 1876, signed "H. Percy Sorell," to the Minister of Lands and Works. Can you state, looking at that letter, when it was received in your office? Yes; on the 6th July.
46. By whom are letters reaching your office addressed to the Minister of Lands and Works opened? By me.
47. Is there a pencil memorandum on that letter? Yes.
48. Can you tell me when that memorandum was written? On the 12th July.
49. And by whom? It was written by me.
50. Looking at the correspondence, there is a letter of the 12th July from Mr. Moore to Mr. Henry. By whom was that letter drafted? By me.
51. Before or after you wrote the pencil memorandum? After.
52. To what do the words at the commencement of that letter, "a good deal of opposition," refer? I think Mr. Moore intended it for an excuse for delaying the matter so long as he did.
53. I thought it was drafted by you? The letter was drafted by me, but he told me what to say.
54. Your impression is clear that the words "a good deal of opposition" was an excuse for the delay which had taken place in the matter? I think that was the reason, because there was only one letter in the office at the time. No opposition had been offered at that time except by the letter of Mr. Caleb Smith.
55. What do you call the "so long delay?" Mr. Henry's application was received in April, and it was not dealt with until the 12th July.
56. Then you refer to a delay as to the first site. Is that so? It is a continuation of the correspondence, as it were.
57. Have you any desire to add anything further to your last answer, so that it may be taken down? Mr. Henry's application for the second site was, I see, received on the 6th.
58. Had there been any unusual delay in dealing with that application? No.
59. Then I shall ask, Mr. Hull, what delay was there other than as to the first site? None.
60. Referring to the letter of the 22nd July, "H. J. Hull to Samuel Henry," under whose instructions was that letter written? The Minister of Lands at that time.
61. Who was that? The Hon. C. Meredith.
62. Are you clear upon that point? Yes; I believe so.
63. Do you remember the interview of the 22nd July when Mr. Meredith's signature was attached to the pencil memorandum you have referred to? I do.
64. Carrying your mind back to that interview, can you say whether the letter of the 22nd July was written before or after that interview? After.
65. Were the conditions named in that letter suggested by Mr. Meredith or by Mr. Moore? By Mr. Moore, I think.
66. When? At the time of the interview, I think. There were Mr. Meredith, Mr. Moore, and Mr. Henry together.
67. Did Mr. Meredith assent to the area being fixed at half an acre, and the width of strip for water-race at ten feet? Yes.
68. Did Mr. Henry assent to those terms? No. He told Mr. Meredith that he could not assent to them.
69. Was Mr. Moore present when Mr. Henry said he could not assent to those terms? I think not. No.
70. At the time that Mr. Moore left had those terms been named in Mr. Henry's presence? Yes.
71. Had Mr. Henry then objected in Mr. Moore's presence? I believe he had.
72. I call your attention to a former answer when you said he had not objected. Take time to consider your answer. I put the question to you again. Was Mr. Moore present when Mr. Henry signified his dissent from the proposed terms? Yes, he was; because Mr. Moore said, "We never give a lease for more than 21 years now, and we could not think of giving it for any longer."
73. In answer to that statement, what did Mr. Henry say? He urged his claim for a longer period on account of the Act not allowing a renewal of the lease after a certain period.
74. How did that interview terminate as far as the question of terms is concerned? Mr. Moore went away, and I believe Mr. Meredith told Mr. Henry to write and state his case, and that he would consider it. He said that 21 years were the terms he agreed to, and if Mr. Henry was not satisfied he must write and give reasons why he should have a longer term.
75. Was it after this interview closed that you wrote the letter of the 22nd July? Yes.
76. Naming the same terms that had been acceded to by Mr. Moore? Yes.
77. By whom were the two minute papers of the Executive Council, dated the 12th August, prepared? By me.
78. By whose instructions? By Mr. Meredith's instructions.
79. How long have you been connected with the Lands and Works Office, Mr. Hull? About 25 years.
80. Has any other case come under your observation during that period in which one limit of time has been fixed for a mill site and another for a water-race to the same person? I cannot say that I recollect any case of the kind.
81. Does your note to Mr. Henry of the 21st August correctly state the practice of the office? Yes.
82. Is that practice uniform? Yes.
83. How came this lease to be prepared without that survey and description? Or rather, if it was prepared, how came the lease to be executed without such survey and descriptions? I cannot tell you. Mr. Henry was told that survey would be required, and that he was to employ his solicitor to prepare the lease.
84. Have you ever before allowed the Governor to sign a lease, stating that the plan had been deposited, when it had not? I ask you, have you ever known it to be done before? No.
85. Can you inform the House of the date of that advice to Mr. O'Reilly to let the matter stand over to be dealt with by Parliament? I think it must have been either the 21st or 22nd of August.
86. Would it be after the receipt of the letter of which you have spoken of Mr. Moore's, dated the 24th August, or before that date? I am glad you have refreshed my memory as to the date. It was on the receipt of that letter of the 24th August.
- Mr. Gray.—87. Under whose instruction did you write the letter of the 12th July referred to in a question put to you by the hon. member for Central Hobart? Under Mr. Moore's instructions.
88. Did you think you were carrying out the intentions of the late Minister, as conveyed to Mr. Meredith, the then Minister, when you wrote the letter assenting to the second site being granted to Mr. Henry? I was under the impression that it referred to the second site.
89. With reference to the water-race, can you give any explanation as to why a different time was fixed? I think I answered that question before.

90. I want to know distinctly if you have any recollection why a different time was fixed for the granting of the site for the mill and the granting of the water-race? Because Mr. Henry said there was no right to renew the lease for the mill site, and if he got a lease for 50 years it would give him a claim, as it were, upon it.

91. Is there a diagram in the correspondence showing the site originally sent by Mr. Sorell to your office? There is a tracing.

92. Is that the tracing [showing tracing] wherein the second site is shown? Yes.

93. And that is the site you were under the impression the late Minister assented to be granted, and that the Hon. Mr. Meredith ratified? Yes.

Mr. Balfe.—94. Do you recognise that memorandum addressed to you by the Minister of Lands and Works? Yes.

95. Do you still adhere to the correctness of the answers that you gave to the queries there? Yes.

96. They are quite correct to the best of your recollection? Yes.

97. Will you be good enough to say how many interviews you were present at between Mr. Moore, Mr. Henry, and Mr. Meredith? Only one, I think.

98. Can you fix the date of that meeting? The 22nd.

99. That was the date that Mr. Meredith signed, in the presence of Mr. Moore, his approval? Yes.

100. Then how can you reconcile the answer to query No. 5 with your last answer? How many meetings were you present at? I was in and out of the room several times, but was not present when Mr. Meredith signed that.

101. Was it on that occasion that you heard Mr. Moore object to giving Mr. Henry any longer lease than 21 years? Yes.

102. On that occasion? Yes.

103. I see your answer to query No. 5 is "No, Mr. Meredith sent for me and showed me what he had done in the presence of Mr. Moore."

Mr. Douglas.—The witness has explained that by saying he was in and out of the room.

Mr. Balfe.—104. Will you look, Mr. Hull, at the letter dated 11th July, 1876. Did you understand the words, "my application had been before the Government upwards of three months," to refer to the application of the 19th April, 1876, or that of the 4th July? To that of the 4th July.

105. You understood that? Yes; his application of 19th April was for a water-race and mill site, and his letter of the 4th July was merely to tell the Minister that he had made a mistake in the selection and had made a selection elsewhere. We did not call it a second application.

106. Was the letter of the 24th of August you received from Mr. Moore a private or public one? It was a private one.

107. Was it marked private? I won't be sure, but it is my idea that it was.

108. You did not show that letter to the Minister? No, I did not.

109. You state that Mr. Moore called upon you at the office some time in September, and objected strongly to the application of Mr. Henry being approved for the second site—that he called upon you personally? Yes.

110. Did you express any astonishment to Mr. Moore on that occasion that he should be under such an impression? Yes; I told him that he must have lost sight of the second site. I said I was under the impression that he was dealing with the second site when I made the memorandum in Mr. Sorell's letter; I told him, "You must have overlooked the fact that Mr. Henry wished to alter the site."

111. Were you surprised to hear that he had changed the site? Yes.

112. By whose direction was the memo. in pencil made endorsing the application for the second site? By Mr. Moore's. I will explain how that memorandum came to be made. Mr. Moore resigned on the 10th or 11th, and on the 12th we received Mr. Henry's letter dated the 11th; and in going through the papers with Mr. Moore, clearing up before his leaving the office, Mr. Moore said to me, "What about Henry's lease? He is very anxious to get it settled. I really don't know what to do about it. I don't like to refuse Henry because he is politically opposed to me; and if I don't grant it, he will say it was on that account." I told Mr. Moore, "You had better put something on record;" and Mr. Moore said, "I will tell him if he will carry the water in pipes I shall have no objection on his payment of a fair rental, and that the mill site should be restricted to a reasonable area." When Mr. Moore added the words to the letter I was under the impression that the letter had reference to the second site.

113. And you said that Mr. Moore was under the same impression? Yes.

114. Was Mr. Moore aware that a second application had been made by Mr. Henry—that, in fact, he had made application for a second site? I really cannot say.

115. I will just remind you of the first query in the minute, and ask you was Mr. Sorell's letter of the 3rd July, 1876, submitted to Mr. Moore personally? It was placed before him on the table, but I cannot say that he read it.

116. Had you any interviews with Mr. Moore since this session of Parliament opened? Yes, one or two.

117. In any of your personal communications with Mr. Moore, did you say that your impression was different from his own in reference to the particular site he directed you to convey his approval of? I did.

118. Perhaps you will favour us with Mr. Moore's observations on such occasions? Mr. Moore said he did not know how I could have thought that, because he told Mr. Meredith when he asked how the matter stood, that there was an application from Mr. Henry for a mill site and water course at Deloraine; that he had referred it to the Warden, and that he had no objection, and that the Road Trust had no objection; that then Mr. Moore said, "I have no objection;" and that under those circumstances Mr. Meredith said, "I shall have no objection," and put his pencil mark on the memorandum I wrote.

119. Had you any conversation in reference to Mr. Sorell's letters? I told him of Mr. Sorell's letter in regard to the second site.

120. Then he must have known of it? Well, he told me he did not recollect ever having seen it; but he also said that if he had he would have placed no confidence in what he said, because he said he had no confidence whatever in him, or something to that effect.

The Attorney-General.—121. With regard to the letter of the 12th July, which you say you drafted, did Mr. Moore tell you what to write? He told me to tell Mr. Henry that there was a good deal of opposition to his application.

122. What I asked you was, whether you wrote the letter out of your own head, or did Mr. Moore tell you what you were to write? Mr. Moore told me—that is, he told me the heads.

123. Did he tell you that there was a good deal of opposition to the application? Yes.

124. But was there actually any opposition? I knew of one letter from Mr. Smith.

125. Did he tell you whether you should say that a good deal of opposition had been offered? No, he did not; but the Minister of Lands receives many private letters that I do not see, and probably I may have been under the impression that he received such letters in reference to this application.

126. Then what did you mean when you said that a good deal of opposition had been offered? Did he say that was the excuse for the delay that had taken place? No; he merely told me that a great deal of opposition had been offered to the application, and that he was unable to deal with it on that account.

127. But you don't mean to say that Mr. Moore wished you to write what was not true. Your former answer would lead us to infer that? Witness made no answer.

128. What makes you say that there was a good deal of opposition? I judged that there was from the urgency of Mr. Henry in pressing to have the lease concluded.

129. What made that impression on your mind? The frequency of Mr. Henry's letters on the subject, urging the Minister to come to a decision.

130. What on? Witness made no answer.

131. The application for a second site? There is no second application.

132. Just look at the letter of the 4th July; he speaks there of "the one I have now is much better." What does he apply for? He does not say what it is.

133. But do not the words "the one I have now the honor to apply for" show that he makes a distinction between that and another that he had applied for before? Well, you did not consider that a fresh application. Just look at the letter of the 11th July, where are these words:—"Will you kindly inform me what progress has been made in the consideration of my application?" What does that mean? Witness made no answer.

134. You have been asked how many, or whether any, leases of waste lands had been granted for a mill and water race; can you tell us how many? I cannot tell you.

135. A large number? No, I should say not.

136. Do you recollect any such leases having been granted? I don't recollect of one being granted since the appointment of Minister of Lands and Works except one for a mill-race at Brighton, and one or two water-races in different parts of the country. But to the best of my recollection I do not remember of any lease being granted for a mill site.

137. Where is the original of the letter of the 24th of August from Mr. Moore to you? I don't know; it may be in some of my pockets at home, or in my drawers at the office. But having carried it about with me in my pocket, I may have destroyed it.

138. Was that letter, written to you by Mr. Moore, marked "private?" I cannot say it was. It commenced "My dear Sir."

139. No, it did not; it commenced "My dear Hull." At any rate I looked upon the letter as a private letter.

140. Is it in the usual course of things for you to receive letters from Ministers when they have gone out of office about official business? I cannot say that it is.

141. Have you ever received any before this? No; I think not.

The Minister of Lands.—142. With reference to the plan, Mr. Hull; was the plan of the mill-race attached to the lease forwarded by Mr. Sorell placed before me as Minister of Lands for approval before the lease was executed? No.

143. When was Mr. Sorell's letter, read by the Clerk of the House, with diagram, placed before me; when did they come under my observation? A day or two ago, I think.

144. Had the Solicitor-General any instructions to prepare the lease before I entered the office? No, Sir; Mr. Henry was told that he must employ a solicitor to draw the lease, or pay for it.

145. Was the matter in the hands of the solicitor when I entered upon office? I think it was.

Mr. Balfre.—146. When an order of the House of Assembly reaches your Office, an order for papers on a particular subject, whose duty is it to furnish those papers and to see that the order is properly complied with? I should say the Minister's. The Minister would instruct me to get them; I suppose he is responsible.

147. Did the Minister intimate what particular portion of this correspondence was to be supplied? No; he instructed me to give him all the correspondence in reference to the case, and all the correspondence was given.

148. If there were any papers omitted and that were never furnished in compliance with that order, upon whom does the responsibility rest? All the papers that were in the office were furnished at that time.

149. All that you had in the office were subsequent? Yes.

Mr. Dooley.—150. I am requested to ask under whose instructions was the lease prepared? The present Minister's.

151. Is this the usual course adopted in all these matters? Has there been any departure from the usual course in giving instructions? I have not known an instance before.

152. Do I understand you to say that you have known no instance of a lease of a mill site being issued before? I cannot say that I have.

153. Are you aware that there are mills on Crown reserves somewhat similar to this on the North West Coast? I refer you to the Don? Saw mills, but under a different clause of the Act.

154. Are you aware of any mill site having been granted upon Crown reserves? Yes.

155. How many? Several; I cannot enumerate them.

156. Is there any return in your office at the present time showing the number of such sites? No; the leases are generally kept by the Solicitor-General.

157. Do you know of any application to which there has been such an objection made as to this lease, or any approaching to it? I don't think so.

Mr. Innes.—158. You have stated in answer to the hon. member, Mr. Dooley, that you have known no lease granted on similar terms in all respects as Mr. Henry's lease? No.

159. In what respect? With regard to the duration of the lease. The limit we have granted for leases for some years past has been 21 years.

160. On any esplanade in a township where there was a municipality? No; on Crown reserves. Mr. Dooley asked me if we had issued leases for Crown reserves, and I said "yes."

161. They were dissimilar then in respect to duration and in respect to [the lease not applying to lands in municipal districts? Yes.

Mr. Young.—162. I don't think it is distinctly in evidence at present as to who gave the instructions for the preparation of this lease? The instructions are in writing.

163. Was the plan put in with the correspondence just now in existence at the time these instructions were given? No.

164. At what date, can you say, was it that that plan came into the possession of the Survey Department? I telegraphed to Mr. Sorell on the 27th September to furnish the plan, and I must have received it on the 28th, because the lease was signed by Mr. Henry on the 29th. It was not received by me; it was received by Mr. Henry, and brought by Mr. Henry to me.

165. You said just now, in answer to a question put to you by the Minister of Lands and Works, that that plan had only come to his knowledge within the last two or three days? Yes.

166. You are aware that the lease is dated the 2nd October last? Yes.

167. And you are also aware that that lease recites that the plan is deposited in the office of the Lands and Works Department? Yes.

168. Therefore, at the time that lease was executed, it was not in the knowledge of the Minister of Lands and Works that there was a plan in existence? No; unless you call that a plan.

Mr. Pillinger.—169. Was there not an original plan with the correspondence from which this diagram was prepared showing the first and second sites before the lease was signed? There was of the township of Deloraine, showing the sites upon which this plan was prepared.

Mr. Gayer.—170. Was the first application by Mr. Henry for the second site conveyed in his letter of the 4th July? Was that the first intimation he made of the second site? Yes.

171. Was the reply to that letter conveyed in the letter of the Minister of Lands and Works of the 12th July? There was no previous reply? No. That was the first and only letter the Minister wrote to Mr. Henry.

172. Are you aware whether Mr. Moore wrote to Mr. Henry a letter dated 2nd July? I am not aware of it.
 173. Are you aware whether Mr. Moore read Mr. Sorell's letter referring to the second site? I am not.
 174. Have you any reason to believe he did read it? I have not.
 175. Can you tell if Mr. O'Reilly's reply was given on advice from you? I advised him to let the matter stand over to be dealt with by Parliament. He said it was very good advice, and, to the best of my recollection, he said he would act upon it.
 Mr. Riddoch.—176. Was there any lease for a mill-race recently granted in the municipality of Brighton?
 Yes. A mill-race; not a site.
 The Colonial Treasurer.—177. Was the consent of the Municipal Council and the road trust got in that case before it was granted? I don't think there is anything in the correspondence to show that. There was nothing from the Council, but in the application from the man, he stated that the Council had agreed to give him the lease. For a long time the Council held out, but afterwards gave it.
 Mr. Douglas.—178. How did the instructions get from your office to the Solicitor-General's office to prepare this lease? I don't know.
 179. Do I understand by that answer that this letter never left your office? I never saw it till it came back with the endorsement.
 (The witness withdrew.)

HENRY DOUGLAS examined.

- Mr. Balfe.—180. You are the Warden of Deloraine? I am.
 181. You objected in the name of the Council to the lease applied for by Mr. Henry for the second site? We did object to it. The second application was never referred to us.
 182. When did you first hear that Mr. Henry had applied for the second section? On the 18th August.
 183. By what means did you hear of it? I cannot call to recollection. When I first heard of it I went outside the Police Office and saw Mr. Henry there, and said, "Is it the case that the land near the stone quarry has been granted to you?" He said, "Yes, I have it."
 184. He told you on the 18th August that he had it? Yes.
 185. Would you be kind enough to narrate what took place afterwards, up to the time you had the discussion in the Council? I think that was on the 24th August, six days afterwards. On what date did you find the man working and order him to desist? On the 22nd August.
 186. Perhaps you will tell exactly what occurred according to the best of your recollection? It was at the Police Office when I first heard there was a man at work there. I went to the spot, and met Mr. Henry on the way. I told him that I had found out there was a man at work there; and I said, "I intend to order him away." He said, "I will order you away." I told him he might do so, but I should not go; and that I intended to remove the man. I went there and told the man to leave. He refused to do so, and I went back to the Police Office and instructed the Superintendent of Police to lay an information against him.
 187. Did Mr. Henry ever acquaint any of the municipal body, of which he was a member, that he had applied for the second section? Not that I am aware of.
 188. Is that possession of that site by Mr. Henry acceptable to the bulk of the people of Deloraine? I believe not.
 189. How then do you account for the petition signed by upwards of 250 persons professing to be inhabitants of Deloraine presented to this House in favour of Mr. Henry's application? It is in the way those signatures have been procured. His own miller has been round with the petition, and not only his own miller, but his son-in-law, his wife, and his friend Mr. Lawes.
 190. Had you any communication with the late Minister of Lands and Works on this subject? I had.
 191. Did you understand from him that he was opposed to Mr. Henry having possession of this second site? I did, decidedly.
 192. Did you write to him while he was Minister? No; I wrote afterwards.
 193. At Table Cape? Yes; I wrote to him at Table Cape.
 194. Had you any reply from him? I had.
 195. Can you recollect the date of that reply? Was it before or after you found the man at work, or before or after the police case? It was just about the time. I cannot say whether before or after.
 196. You had no reason to understand from any conversation you had with Mr. Moore on the subject that he was favourable to Mr. Henry having that site? Quite the contrary. The reply I received from Mr. Moore stated distinctly that he had not the slightest idea that he had been treating with Mr. Henry for the second site.
 197. Was there any opposition whatever to Mr. Henry's application for the first site? When it was submitted to the Municipal Council Mr. Field and Mr. Smith opposed it—strenuously opposed it. When it was put to the vote three voted in favour of it and two against it. It did not come to my casting vote. If it had I should have given it in its favour, however wrong I might have been.
 198. You have had a good deal of experience, Mr. Douglas, as a warden and as an old resident of the district. Do you think it desirable or proper for the Municipal Council to alienate any portion of a reserve so near the river? The first site was a barren piece of land, perfectly useless to anyone. The second site is about the most valuable spot in the township. The fee simple of it is, I believe, worth more than that of any other piece of land in the district.
 199. If Mr. Henry had told the Council that it was his intention to apply for a lease of the second site, how would that application have been treated? I believe it would have been opposed to a man.
 200. You are well acquainted with the feelings of the people of Deloraine on this subject? To some extent I am. I am aware that there is a certain class in favour of the lease of the second site being granted.
 201. You always understood that Mr. Moore was opposed to it? To the second site, decidedly.
 202. Mr. Douglas.—Did you communicate immediately on ascertaining that Mr. Henry claimed a right upon this esplanade with the Attorney-General and the Colonial Secretary on the subject? With the Colonial Secretary I did. I will not be positive, without reference, that I did to the Attorney-General.
 203. Did you communicate with Mr. Hull, the Deputy Commissioner of Crown Lands? Yes.
 204. Did you receive any reply to that communication? Not from Mr. Hull, I think.
 205. Did you again communicate, on the 22nd August, with the Deputy Commissioner, by telegraph? I did.
 206. Did you get a reply to that telegram? Yes.
 207. When did you get the reply? I forget the date. It was sent to me at the office of Douglas and Collins.
 208. Did you receive a communication from the Attorney-General dated the 24th August? I did.
 209. Did that letter enclose this document [letter shown to witness]? It did.
 [The letter was as follows:—]

"Deloraine, 24th August, 1876.

"SIR,

"I ADDRESSED a letter to-day to the Colonial Secretary, which I think ought to have been sent to you. I therefore now beg to lay before you the circumstances as concisely as I can. About five months ago I made application to the Minister of Lands for a lease under the Waste Lands Act, No. 10, Sect. 51 and 52, of a portion of lands on the Esplanade, Deloraine. After about three months my application was forwarded to the Municipal Council for their remarks. They approved of the object; as also

did the Deloraine Road Trust, to whom it was referred. I subsequently found that the site selected for the building would be practically useless, in consequence of the levels of the proposed Deloraine and Mersey Railway. Upon my representation of the facts to Mr. Moore he sent me a tracing of the section of the railway survey along that portion of the township, and the district surveyor found the railway will be, when constructed, about eight feet above my level. I have applied for about ten chains lower down the river, and sent a tracing of the locality to the Lands and Works Office, with the length of the race and the area of the land requisite. After the resignation of the Ministry, and before they left office, I received a letter from Mr. Moore stating that it was too late now to bring the matter before the Executive, but he would leave a record in the office approving of a lease being granted to me under certain conditions named, as to rent, length of time, &c.; when the present Government was formed, I went to Hobart Town, and with Mr. Moore saw Mr. Meredith on the subject, and agreed upon the condition on which he would advise His Excellency to grant a lease. I subsequently received a letter from the Minister of Lands informing me that His Excellency had been pleased to grant me a lease, and also that I was to instruct my solicitor to draw the lease or forward the necessary fees to the Solicitor-General for that purpose. I forwarded £5 for the first year's rent and likewise instructed Mr. Adams to prepare the lease. In the meantime I had commenced excavation of the mill-race, and for the execution of the necessary buildings. On last Tuesday Mr. Douglas, the warden, ordered my men off the ground, and subsequently laid an information which was heard to-day, and Mr. A. Douglas attended to prosecute. The man was fined 5s. and costs. I asked permission to be allowed to show my authority for occupation. The Bench refused to hear me, nor would they look at the Act by which the Governor is authorised to grant leases. Mr. Douglas in his remarks told the Bench that the matter would have to be decided in the Supreme Court. That he believed the Governor had not the power to grant a lease, and therefore the duty of the Bench was to fine the man for the offence, and leave for another Court to say if the Governor had the power or not of granting leases on township reserves.

"I sent a copy of the information to the Colonial Secretary, with a request that the necessary steps may at once be taken to place me in peaceable possession of the land. I do not desire to say anything disrespectful of the Bench, more particularly being interested, but this much I do say that a more glaring case of the injustice which a person may suffer under the name of law never occurred in Tasmania, and the sooner the Bench is added to in this district the better for the ends of justice. I hope I have made myself understood by you. I have stated the facts only, and as nearly as I can in the order of time as they occurred. The Municipal Council and Road Trust approve of me receiving a lease for the first site selected. Mr. Moore approved of the present site, and Mr. Meredith simply gave effect to that approval. I therefore trust that this matter may be settled as soon as possible, as I am sustaining serious losses by every day's delay.

"I remain, Sir,

"Yours, &c.

"(Signed)

SAMUEL HENRY.

"The Hon. Attorney-General, Hobart Town."

"Attorney-General's Office, Hobart Town, August 26th, 1876.

"DEAR SIR,

"BEFORE replying to Mr. Henry's letter, enclosed, I should be glad to have a copy of the information in the case referred to and the proceedings thereon, without delay.

"I have the honor to be,
Yours very obediently,

"(Signed)

C. HAMILTON BROMBY.

"HENRY DOUGLAS, Esq., J.P., Deloraine."

210. That information was against some man for digging out the public esplanade? It was.

211. And Mr. Henry attended at the Police Office? He did.

212. Did he persistently try to interfere with the proceedings of the Bench? He was repeatedly checked by the Bench. He was not allowed to sit on the Bench. Mr. Smith was the chairman, and he had to call him to order on several occasions.

213. Was the Act of Parliament referred to produced? It was.

214. What did the man plead? He pleaded guilty.

215. Since this communication was sent has any gentleman's name been added to the list of magistrates there? Before answering this question I wish to say that I was not on the Bench on the occasion referred to. In answer to the question I may say that since that time the name of Dr. M'Neece has been added to the list of magistrates.

216. Was any reference made to you as to that appointment? I have presided on the Bench for 11 years, and this is the first instance of a magistrate being appointed in the district without reference to me as chief magistrate. Not that I have any objection to Dr. M'Neece. I think it is a very good appointment.

217. Is Mr. Henry a member of the Municipal Council of Deloraine? He is.

218. Was he in the habit of attending the meetings of that body? Yes.

219. Did he never, in any shape or way, before the period you spoke of, in August, tell you that he was applying for the second site? I never heard a word about the second site until the day referred to.

220. When was it that the first application was before you? On the 17th May.

221. From that period till the 17th August you had never heard of the second site? No.

222. Are you aware whether any of those petitions have been signed by parties coming from Divine service? It came to my knowledge that last Sunday a man was standing at the entrance of the Roman Catholic Chapel with a petition, and pen and ink, to be signed.

Mr. Dooley.—223. In reference to this petition, you say it is owing to the influence or manner in which it was got up? Yes.

224. What are we to infer from that? Have the parties who signed the petition been unduly influenced? I can only say that in one case I spoke to a Mr. Hall, and he told me that his brother had signed a lease in favour of Mr. Henry's application, and that he had signed it under a misrepresentation: he had been told that the names of Mr. Henry Reed, Mr. Field, and others had been attached to it. I have been canvassing for signatures to a petition against it since last Thursday, for the reason that this Esplanade is public property, and that I am there to protect it.

225. I don't want to know what you have been told. Do you know of your own knowledge that any undue influence has been used to obtain these signatures? No; it is only hearsay.

226. I think you said also that there was a certain class in favour of Mr. Henry getting this site? I did.

227. Will you tell us how you classify the people in your little dominion? Perhaps you will explain so that I can give you an answer.

228. What do you call the class that you refer to; do you mean the aristocracy of the district? I can hardly answer that question; I do not intend to commit myself by condemning any particular person, for I have to go back again.

229. Then when you used that term you did not intend that anything should be meant by it? I cannot understand your question.

230. Whatever countryman you are, there is no doubt you want a question repeated twice before answering it? I am not an Irishman.

231. Well, we will come to it again. When you made that reply, that the second application was favoured by a certain class, how was it your intention that that should be understood? I did not mean to reflect upon any particular class.

232. Do you mean that this House should not understand what that answer meant? Will you be good enough to repeat that question?

233. When you gave that answer that Mr. Henry's claim was favoured by a certain class in your district? The class I mean are followers of his.

234. Then will you tell us who are the other classes in your district? The other classes; I have brought a petition down which will speak for them. This petition represents one-third of the whole district.

235. Then, in fact, we are to look for the classes in the petitions that have been laid before the House? Judge for yourself; I cannot answer that question.

236. I think that ought to be answered; it is very simple, is it not? It is a mere matter of opinion; I do not see how I can answer it.

Mr. Belbin.—237. You said just now that you were not aware that the second site had been applied for until you met Mr. Henry in the street? I did.

238. Did you see Mr. Sorell laying out the line for the second site? I cannot answer that question; I have seen him frequently surveying about there, but I did not know what particular work he was doing.

Mr. Giblin.—239. At page 12 of the copy of correspondence there is a letter from the Attorney-General to yourself, dated the 25th August, asking you if you have any objections to the lease being granted to Mr. Henry to state them to the Minister of Lands and Works; did you comply with that suggestion? I replied to that letter.

240. I did not ask if you replied to it, but did you make the objections? I stated my objections to the Minister of Lands.

241. Is that the letter of the 29th August? Yes.

242. Did you follow that up with a letter to the Deputy Commissioner on the 7th September? I did.

243. Did you ever receive any answer to either of those letters? No.

Mr. Henry.—244. You feel very strongly in reference to this mill-site affair, do you not? If you mean that I am personally interested, no.

245. Your feelings are very strong about it? They are not stronger than they would be in any other misappropriation of land in the district.

246. You have told the House that it was owing to the peculiar way in which the signatures were obtained that so many persons signed the petition in favour of the second site. Will you tell us what means you used to obtain signatures to your petition? I carried the petition to Longford, and I asked, I suppose, half-a-dozen people to sign it.

247. When did you take it to Longford? Last Wednesday.

248. What did you do with it in the district? I think I obtained three or four names in the district.

249. I want to know what means you used to obtain signatures to your petition? Mr. Lovejoy has busied himself very much in it.

250. At whose request? At his own, I believe. I am not the only one interested in the matter in Deloraine; we have had frequent meetings on the subject, as I have no doubt you are aware.

251. Where was the petition prepared? At the Police Office.

252. By whom? By Mr. Fitzgerald and myself.

253. Mr. Fitzgerald is the Council Clerk? Yes. It was done by my instructions.

254. Were the police utilised in obtaining signatures to that petition? Yes.

255. In the outlying parts of the district? Only on one occasion.

256. How many of them? Only one, whom I sent with a letter to Mr. Bowman.

257. What was the purport of that letter? To ask for his signature.

258. There has been a petition sent to this House purporting to emanate from the Warden and Councillors of Deloraine? The constable was sent round to all the Councillors with that petition.

259. Was the first petition from the Warden and Councillors of Deloraine adopted at any meeting of the Council called? No, it was not; I did not consider it necessary to call the Council together.

260. Who drew up that petition? It was drawn up by my instructions by the Council Clerk.

261. Was the draft of it submitted to any of the Councillors? The petition was, not the draft.

262. Did you take advice of the Councillors in reference to it? Yes; and I may say there was one Councillor who was opposed to it very strongly. That was Councillor Henry.

263. Was it signed by all the other Councillors excepting Councillor Henry? And Councillor Bonnilly. Councillor Henry spoke very strongly upon the subject.

264. Yes; and so did Warden Douglas? Yes.

265. On the day that you went down to my mill you said you had been to the Post Office; where did you come from to go to the Post Office? I think I can tell you everything that occurred upon that occasion. I drove to town in a chaise cart, and went to the mill.

266. Whose mill? Mr. Shorey's mill. And there I took a bag of pollard into my cart. I did not see Mr. Shorey at that time. I had no business with him.

267. Now you have said, Mr. Douglas, that you heard of this matter for the first time on the 18th August, that is with reference to the second site? Yes, you told me about it yourself.

268. Did you not hear of it before? I may have done, but you were the first to tell me positively.

269. Did you not hear of it from somebody else? I certainly had been told of it a few minutes before.

270. Do you remember you and I going together to examine the Town Hall? I do not, but it is very possible that we did.

271. Did Mr. Shorey speak to you at the Town Hall that morning about this mill site? I cannot recollect; I really cannot say.

272. Can you tell me who spoke to you in the first instance, or what induced you to ask me about it? I cannot.

273. Have you any objection to reading the letter from yourself to Mr. Moore in reference to the mill-site? I have not the slightest objection, but the letter is not in my possession. It was a private letter, and I rarely keep copies of private letters.

274. Will you read his reply to your letter? It is a private letter, and is in Mr. Moore's possession. If he chooses to read it I do not object.

275. You were authorised to employ solicitors to protect the interests of the district? Yes.

276. Who did you employ? The firm of Douglas and Collins.

277. And they have been acting in the matter till now? Yes.

The Colonial Treasurer.—278. Is the present member for Fingal head of the firm of Douglas and Collins? I believe so. I am not in the firm.

The Attorney-General.—279. Do I understand you aright that you employed the police of your district to carry about petitions for signature against the granting of this mill site? You do, Sir. I consider the police have as much right to protect the public property of the district as to protect other things.

Mr. Gray.—280. Will you explain how the petitions on either side in relation to this matter were got up? I can only speak of the petitions I have had to do with, and I have already spoken of that. As to the others what I know is simply from hearsay.

281. What are your views as to the mode of getting up the petitions, on one side or the other? I did as much as I could with regard to the petitions against the lease; and I have said before that Mr. Henry's miller, his wife, his son-in-law, and his friend Mr. Lawes, were employed on the other side.

Mr. Gayer.—282. What do you consider the intrinsic value of this piece of land and the water-course? What would it sell for? Do you mean the fee simple?

283. Yes. From £1000 to £1500.

284. What would it lease for in that neighbourhood, say for 30 or 50 years? I cannot give any idea.

285. At any rate you think it would sell for £1000 or £1500? Yes.

286. Are the majority of the property-holders opposed to the lease? Decidedly, those in the immediate neighbourhood of it.

287. You have no doubt about it? Not the slightest doubt of it.

Mr. Henry.—288. Are you aware that some of the owners of the property fronting on the Esplanade have signed in favour of it? No, I am not.

Mr. Scott.—289. Are you aware that there are streets on one side of the parade and on the other which are perfectly in line with each other? Yes; and fine streets they are, on both sides of the river.

290. And that the streets are used only as a parade? Only as a parade; and the Municipality have claimed and exercised a right in the Esplanade for years.

291. In what way? They have received money for the sand on the parade.

292. And the parade has been exclusively devoted to the inhabitants? Yes.

The Minister of Lands.—293. Has any of it been previously leased? I am not aware of there having been any. Some twelve years back Mr. William Archer applied to the Government to put police buildings upon it, and the Government refused through the Colonial Secretary of that time.

294. Does the Launceston and Western Railway works pass through a portion of it, and does it not interfere with the streets to some extent? Yes, it does.

Mr. Riddoch.—295. Are you aware that some of the owners of land fronting upon this parade have signed a petition in favour of the lease? I am not aware of it.

(*The witness withdrew.*)

JOHN THOMAS MORRISS *examined.*

Mr. Balfe.—296. You are in the Solicitor-General's office, Mr. Morris? I am acting for him in his absence.

297. When was this lease signed by Mr. Henry? It was signed on the 29th of September.

298. Was there anything unusual in that lease that attracted your attention? Nothing at all.

Mr. Douglas.—299. When did you first get instructions to prepare the lease? First from Mr. Adams, the Solicitor-General, personally, on the day he left for Sydney. He had got instructions on the day before, and he had caused the lease to be roughly drafted, and it was in course of preparation when I took charge of it.

300. Did you have a description of the parcels attached to the lease? I did not.

301. Where did you obtain the draft lease from? From Mr. Hull.

302. When? On the morning of the 29th September.

303. At what time? I think it was between 10 and 11 o'clock that morning.

304. Did you go for these instructions to Mr. Hull or did he come to you? I sent a clerk from the Solicitor-General's office for them.

305. At whose request did you send across to Mr. Hull? He told me that he would have it ready on that day.

306. Did Mr. Henry see you on that day? Yes.

307. Had he been with you on the previous day? I cannot say. He was with me on two or three occasions previous to the 29th.

308. That lease refers to a plan. Did you see a plan? No; I did not.

309. Is it not usual to see a plan before a lease is executed? It is; but in this case I left the matter entirely to Mr. Hull. He told me that Mr. Sorell had made a survey of the mill-race, and that it was to have been down on the 28th. It did not come down until the 29th. He sent me a description, which I caused to be inserted in the draft lease. I witnessed it for Mr. Henry.

310. Had you seen a plan at that time? I had not; but Mr. Hull had told me it had arrived, and I saw a tracing of it in the office.

311. Then you have never seen this plan (produced)? I have not.

312. That lease was not signed by the Governor on the same day as it was signed by Mr. Henry? It was not. The practice was to have a lease first signed by a lessee before the Governor signed it. That was the practice followed in the case of a lease to Mr. Ellwall for the lease of a mill-race at Brighton. The lease was sent to the Governor without the lessee's name, and the Governor refused to sign it because it was not signed by the lessee.

313. What time was this lease of Mr. Henry's finished? About half-past three in the afternoon.

314. Was Mr. Henry waiting in the office while it was being engrossed? Not all the time. But he was in and out; and he instructed me to have it hurried through, as he wished to leave town that afternoon.

315. And when was it signed? It was got through and signed between half-past three and a quarter to four o'clock.

316. Who is responsible for the drafting of this lease? Do you mean for the validity of the lease?

317. Yes; who is the responsible person? I presume that I am.

318. Did you observe that the term of the water-race was 50 years, and for the mill site 30 years? I did, but I had not drawn a lease like this before.

319. Did you observe that the lease provides for the building of a mill or manufactory? Yes.

320. Is it not usual to state that such mill or manufactory should have some value affixed to them? I don't know; I have not had experience of such leases.

321. Did you ever draw a lease of a mill where there was no covenant to keep it in repair? I don't think I have; but this is a mill site though.

322. Why didn't you put a covenant here to keep the mill in repair? Because I did not think it was necessary.

323. Do you know when the Governor signed the lease? On the 2nd of October, on the Monday following the Friday on which Mr. Henry had signed it.

Mr. Giblin.—324. When Mr. Henry signed the lease did you fill in any date? No.

325. When was it stamped? On the 4th October.

326. Was it within your own knowledge that there were any public rights claimed for the land to be demised? No.

327. Was the last proviso put in from an old form or under express instructions? It was taken from the precedent I have mentioned, and it is according to the wording of the section of the Act, I think.

(*The witness withdrew.*)

WILLIAM MOORE, *M.H.A., examined.*

Mr. Balfe.—328. [Letter from Mr. Moore to Mr. Hull, dated 24th August, having been read.] Is that an exact copy of the letter you sent? I believe it is.

329. Are you in the habit of keeping copies of private letters? I do sometimes. I generally take an impression of most letters I send.

330. Did you keep a copy of that letter? I did not. I took that from the original.

331. You took it since you came to town? I did.

332. How long ago is that? Shortly after I came to town I called at Mr. Hull's office and entered into some conversation with him, and subsequently I wrote him a note asking him to kindly forward me the letter he had in his possession. He did so, and I copied it.

333. Did you tell the Minister of Lands and Works, your successor, what was in that letter? I intended that the purport of that letter should be communicated to the Minister of Lands and Works. I should not have couched it in that particular language had I intended the letter to be placed before him. Not knowing whether Mr. O'Reilly or Mr. Henry was the Minister I wrote to Mr. Hull to communicate the purport of the letter to the Minister, whoever he might be.

334. From your experience in office did you not think it necessary in so important a transaction where there was a mistake such as is admitted here, either on one side or the other, that you should have written officially to the head of the department? I think it would have been the proper course. I think I should have done so considering the circumstances.

Mr. Henry.—335. You say in this letter that you objected to me having a building so close to the bridge? Yes.

336. On the day of the interview between Mr. Meredith, yourself, and myself, when Mr. Meredith asked you to state the position in which this matter was, did you tell him that I had applied for the site, and that you objected to it? I don't recollect that I did.

337. Did you allude in any way to the first and second sites? I alluded entirely to the first site, and I am willing to tell what I know, in order to prove to this House that I did not mean the second site. Mr. Meredith asked me, "What stage has this matter arrived at?" I replied, "Mr. Henry has made application for a portion of the Esplanade at Deloraine for the purpose of a mill site. I had referred Mr. Henry's application to the Municipal Council of Deloraine, and also to Mr. Human. The Municipal Council had concurred in granting the application, and Mr. Human saw no objection to it." I stated to Mr. Meredith, "I have no objection to the granting of the lease." Mr. Meredith then signed his name to my Memo., which was across what has been represented since to be Mr. Sorell's letter. At that time I did not know it was that letter. Mr. Meredith signed the Memo. and said, "I will agree to it too," and he directed my attention to the fact that he signed as the Minister of Lands and Works. He told me that he had been sworn in Minister of Lands and Works as well as Colonial Treasurer. I was under the impression that he was Acting Minister of Lands and Works at the time. This is as nearly as possible what took place when Mr. Meredith signed the Memo. in my presence.

338. Do you remember saying, "Remember, Henry, you are not to be allowed to build so close to the bridge?" I don't recollect ever mentioning any such thing in Mr. Meredith's presence. I recollect a conversation I had with you on the Launceston and Western Railway Station in the presence of Mr. Lord, when I said I expected some objection to the building near the bridge.

339. You knew I had applied for the second site. Did you, when you submitted the lease to Mr. Meredith, tell him that you had no objection to the second site? I never mentioned the second site to Mr. Meredith. You had mentioned the matter first of all in Launceston. Your letter only arrived about the 6th or 7th, and we resigned on the 10th. There was no time to take any action. I was not at the time aware that I was dealing with the second application.

340. Will you kindly tell me any conversation I had with you at your lodgings, when I asked you if you would come down to the Treasury and see Mr. Meredith in reference to the mill site? I don't remember any particular conversation, only that you came to me and wished me to go down to Mr. Meredith and tell him what I had done with respect to the lease.

341. Do you remember me thanking you for saving me from what I said would have been a very great blunder with reference to the second site, by forwarding Mr. Human's tracing? I recollect you thanking me for forwarding the tracing, but not for saving you from any great blunder.

342. Would you refer to the letter of the 4th July—the second paragraph of that letter; did you ever read that letter? I never read it until I came to Hobart Town this time; one thing convinced me that I had not read it, and that was that if I had known Mr. Sorell was mixed up in it, it would have been another reason why I should not have granted the lease. I think you are perfectly well aware of that.

343. Am I to understand from you that you never read my letter of the 4th July? I have no recollection of reading that or Mr. Sorell's letter.

344. Have you any recollection of having any conversation with Mr. Hull with reference to Mr. Sorell's letter? I don't recollect any conversation with him on that letter; I had some conversation with reference to the second site. In justification of the position I have taken up, I regret exceedingly that I am not able to produce Mr. Hull's letter in reply to that. Mr. Hull wrote to me that he thought I was labouring under a mistake, that Mr. Sorell said that the second site was less objectionable than the first, and that the present Minister of Lands and Works was in no hurry to grant the lease. That satisfied me to a certain extent that the lease would not be granted for the second site.

345. Can you tell me, or give any reason, how it is that this letter (Mr. Sorell's) did not receive that consideration which the public generally think all communications do receive from Ministers? The reason was this: we were about to resign, and there was a considerable amount of work to be disposed of before we resigned. I worked almost day and night to get it cleared away. It might be that I did not give that attention to this letter that I should have done; I cannot recollect that I had anything to do with it, or knew its contents.

346. Was it not usual for the Deputy Commissioner to submit all correspondence to you every morning? Sometimes it was usual, but the great majority of letters are received by the Minister himself. I always made it a rule to look at the letters and make a memo. on them, and hand them over to the Department to which they belonged; sometimes letters were received in my absence, and some were left over for consideration. A question of this kind required to be referred to the Municipality.

347. Is it usual for the Deputy Commissioner to open all correspondence directed to the head of the Department? It is in the absence of the Minister, and sometimes when he is present, when the matters are on public grounds alone.

348. How is that to be ascertained? In this particular case the Deputy Commissioner brought the matter before me. I say I have never perused the correspondence referred to.

349. You got a letter from Mr. Douglas at your request? Mr. Douglas addressed a letter to me, which was received on the 22nd August and replied to on the 24th.

350. I am alluding to that reply. Your letter to Mr. Douglas was returned to you? Yes. I telegraphed to Mr. Douglas for the date of the letter. He telegraphed the date, and, by the ensuing post, sent the letter.

351. Have you any objection to read that letter? I have not got it here. It is similar in tenor to that read to the House.

Mr. Douglas.—352. You have seen the lease granted to Mr. Henry? Yes.

353. Does that lease correspond in any shape or way with the lease which you were prepared to grant? No, it does not. I never agreed to lease any portion of the Esplanade—not the portion specified in the lease now in Mr. Henry's possession.

354. How can you explain the 50 and 30 years? I cannot explain it. It is a perfect puzzle to me. I cannot understand how any Minister of the Crown could grant a lease of 50 years for a mill-race and 30 years for a site, except for the purpose of virtually granting the site for 50 years as well as the race.

355. Whatever may have been the letter that was placed before Mr. Meredith, acting as Minister of Lands and Works, and endorsed by him, did you state then the specified terms upon which you were prepared to grant the lease? Certainly; I stated them before Mr. Meredith. I said I was willing to grant the lease for 21 years. There could not be the slightest mistake about that. The conditions were 21 years; area, 5 chains; water to be carried in pipes above the ground, and not to take up more than 10 feet of the Esplanade. The rental was to be £5 per annum.

356. When did you come to Hobart Town? On the 12th September.

357. Did you communicate, and if so, what, with Mr. Meredith with reference to this lease? On my arrival in Hobart Town I, in the first place, communicated with Mr. Hull, stating that I objected to the issue of the lease. I afterwards called upon Mr. Meredith, and stated that I had personally inspected the first and second sites at Deloraine, and that I strongly objected to the issue of the lease for the second site.

The Colonial Treasurer.—358. Will you be good enough to look at that memo. You remember Mr. Hull reading it? Yes.

359. You remember yourself and Mr. Hull reading it to me? Yes.

360. You remember before I signed that I said, "I am carrying out what you would have done had you been in office?"

361. Will you be good enough to tell me to whom that letter is addressed? The Hon. the Minister of Lands and Works.

362. What is the date? The 3rd July.

363. Who was Minister of Lands and Works then? I was.

364. You put these papers before me and obtained my signature, with the assertion that I was carrying out what you would have done had you remained in office, and yet you did not know the contents of the letter on which that memo. was written? I never put that paper before you at all. The paper was brought by Mr. Hull, and I was not aware of the contents of that letter. Had I known the contents, or have known that it came from Mr. Sorell, I would not have advised you to put your signature to the memo. upon it.

365. Did you advise me to put my name to that memo. without knowing the nature of the letter upon which that memo. was written? It was brought in by Mr. Hull. I was not aware of the contents.

366. You did not know what the letter was when you noticed me put my name there? No.

367. Have you ever seen that tracing before? I never recollect seeing it until I called at the Lands Office on the 13th September and asked to look at the letter.

368. Was not this tracing brought by Mr. Hull and put before me at your request? I never requested Mr. Hull to put a tracing before you. I stated that I believe I never looked at it at all.

369. Under what circumstances did you go to the Lands and Works Office on the 22nd July? I don't recollect the circumstances except that Mr. Henry and I went together.

370. You forget going to the Treasury with Mr. Henry? I may have gone to the Treasury.

371. You are not certain? I am quite certain I went to the Lands and Works Office.

372. Did you not on the 22nd call at the Treasury with Mr. Henry and ask me to accompany you to the office of the Lands and Works Department? I think it is very likely I did.

373. What was your object in asking me to go there? Mr. Henry came to me and asked me to go there, and out of pure good-nature I went with him.

374. What did you say to me in the Treasury to induce me to go with you to the Lands and Works Office? I don't recollect.

375. Did you not say you were particularly anxious, before Mr. Henry left town, to see his application for a mill-site settled, and that it ought to have been settled before? I do not recollect.

376. Did you not induce me to go with you to the Office of Lands and Works? What do you mean by inducement.

377. Invite me, then? Mr. Henry came to my lodgings and we walked down together, and I arranged to go with you to the Lands and Works Office.

378. With what object? With the object of giving you to understand what stage the question of this site had arrived at.

379. And when you got to the Lands and Works Office what steps did you take to put me in possession of the information you wished I should receive? Did you not send for Mr. Hull? I think you sent for him yourself. Some one rang the bell.

380. At your request, I presume? I cannot say whether at my request or yours.

381. When Mr. Hull came what were the instructions you gave him? I am not aware that I gave him any instructions.

382. Then how did those papers get out of Mr. Hull's office into the Minister's office? I may have told Mr. Hull to bring in the correspondence with respect to the granting of the site to Mr. Henry.

383. Did you not request Mr. Hull to bring in all the correspondence between Mr. Henry and the Lands and Works Office with regard to this mill site at Deloraine? I might have asked him.

384. Do you deny that you asked him? No.

385. And yet you say that you never saw that paper before? I say I never saw it until I called at the Lands and Works office. I never knew the contents of the paper, or read it, until I called there on the 13th September.

386. Then you advised me to sign a paper without knowing what it was? You say so.

387. Did I not look particularly at the tracing, and ask you to inform me particularly with regard to the two sites? No, you never looked at it.

388. Did I not request Mr. Hull to read over the whole of Mr. Percy Sorell's correspondence, so that I might clearly understand what I was doing? Never a word about it.

389. Then I signed the paper blindfold? I don't think you turned the paper over. I stood at your right hand, and Mr. Henry at your left.

390. I was only there a short time. Did I not receive a message that my presence was desired at the Executive Chamber? You did receive a message of some kind.

391. Did I not leave you and Mr. Henry at the Lands and Works Office? You did.

392. For an hour? No, nothing like that.

393. Half an hour? I don't know.

394. How long would it take you to go from the office to the Executive Chamber, be sworn in Minister of Lands, and go back again to the Lands and Works Office? Would it take half-an-hour? It might take half-an-hour, or a quarter of an hour.

395. During that time you and Mr. Henry were in the office with the papers before you? I was there.

396. And you never had any curiosity to see the nature of the documents—to explore that hidden treasure? I never looked at the papers.

Mr. Innes.—397. Did you obtain the concurrence of your colleagues to any promise you ever made, or any assurance you ever gave to Mr. Henry? I never brought this matter before my colleagues.

398. Did you ever submit the correspondence with Mr. Henry, or his application to you, to the Members of the Executive? No.

399. Was it not an established rule with the late Government for its members to bring any recommendation intended to be submitted to the Governor in Council under previous consideration in Cabinet? Always.

400. Were the proposals thus submitted always concurred in? Not always.

The Colonial Secretary.—401. Is not Mr. Percy Sorell one of our public surveyors, recognized by the Government? He is.

402. How long has he been a surveyor? I cannot say exactly. A considerable length of time.

403. Mr. Sorell is the son of a very dear friend of mine, and I should like to know what you mean by saying that you would not like to be mixed up with any document that emanated from Mr. Sorell, as he was so very untrustworthy? I have tried to avoid, as much as I can, bringing that matter before the House.

404. Why has he been retained in the public service? To a certain extent that is my fault.

Mr. Gellibrand.—405. How do you explain your remark that there was a great deal of opposition offered to the lease, if it applied to the first application? I can easily explain that. I was made cognisant privately of other opposition besides what appeared in the correspondence.

406. You have stated that you did not rely on or trust Mr. Percy Sorell. How long is it since you ceased to trust him? I do not like to drag matters of this kind before the House, because I do not think it is the proper tribunal; but for some time I have distrusted him. Little transactions occurred during my term of office which caused me to have very little faith in his integrity.

407. But not sufficient to bring him before the Cabinet? Perhaps it was merely suspicion? People have sometimes bowels of mercy and compassion, and they do not always act in a rigorous way. That is the only explanation I can give. I am to blame perhaps.

408. You knew nothing against him to reprimand him, but simply had your doubts about him? I have reprimanded him.

Mr. Gayer.—409. Did you at any time, directly or indirectly, approve of or sanction Mr. Henry's application for the second site? I am not aware that I have. I have no recollection of it.

Mr. Balfé.—410. Do I understand you to say that before you left office you had no knowledge whatever that Mr. Henry made any application for the second site? I did not say so. I admitted that I had knowledge, and that he made a verbal application in the railway station at Launceston. It was through that that Mr. Hull was led to think I was dealing with the second application.

411. Does it not strike you as rather strange that two Ministers of Lands and Works should sign an important document like this without having a single idea as to what were the contents of that document? I do think it is rather strange.

412. Do you not think that those two Ministers ought to be dismissed from office? I should regret exceedingly to mislead any one, and I thought I was putting the new Minister of Lands right when I called upon him immediately on my arrival at Hobart Town. I was afraid there might be some misunderstanding. I wished to give Mr. Henry the site he first applied for, a site which would answer all the purposes for which he required a mill.