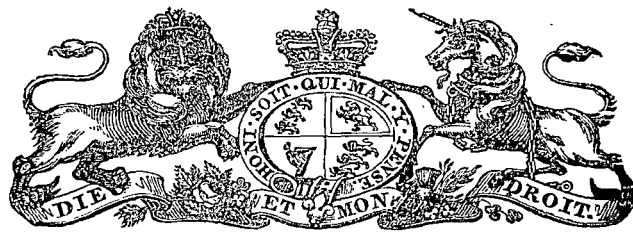


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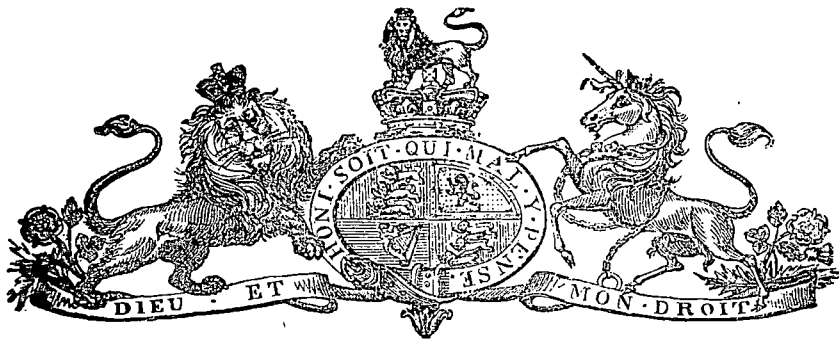
1886.

PARLIAMENT OF TASMANIA.

MR. JAMES MADDEN:

PETITION FOR COMPENSATION.

Laid upon the Table by the Attorney-General, September 9; and ordered by the House of Assembly to be printed, September 15, 1886.



Ulverstone, River Leven, 2nd March, 1886.

SIR,

REFERRING to the interview you did me the honor to grant me on your late visit to the Leven, I now beg to lay before you the particulars of my accident, which you wished me to forward.

On the 30th September, 1881, I started from Latrobe for the Leven in a wagonette with one horse, having with me as passengers. Mesdames Roberts, Riley, and Kekeley. On reaching the bridge over the Mersey, which was then in an unfinished state, I saw that there was a heavy cart approaching from the opposite side, which, as there was not room for two vehicles to pass each other, left me no other course but to turn back and wait till the cart got over. In attempting to do this I had to back my horse, and in doing so I had to go near the embankment of the approach, when the earth gave way, and, there being no fence or other protection, the horse, vehicle, and all in it were precipitated several feet. The result was severe and permanent injury to myself. I sustained concussion of the brain, and injury to the hips and kidneys, and am suffering from those injuries still. I was for a long time under the care of Dr. Rooke, and am now attended by Dr. M'Call. Dr. Rooke is now in New South Wales, and I have written to him for a report of my case, which I will forward to you as soon as I receive it.

I would respectfully request that you would be pleased to take my case into your favourable consideration, with a view to compensating me for the expense and irreparable loss and injuries which I have sustained through the negligence of the servants of the Government in omitting to provide proper safeguards at the place where my accident occurred.

The Hon. the Premier.

I have, &c.

JAMES MADDEN.

Hobart, 3rd March, 1886.

SIR,

I HAVE received your letter of the 2nd March with the enclosures, which I return.

As I am about leaving for England in a few days I should advise that you communicate with my successor when appointed, as I am unable just now to attend to your wishes. I observe, however, two things which appear adverse to your claim :

1. That the accident took place 4½ years since.
2. That the *Examiner* puts the blame on the Local Road Trust.

Yours obediently,

ADYE DOUGLAS.

Mr. JAS. MADDEN.

Germantown, New South Wales, 7th April, 1886.

I HEREBY certify that I attended Mr. Madden, sen., of Ulverstone, Tasmania, for an accident he received while returning from Latrobe in 1881.

CHAS. ROOKE, M.R.C.S. Eng.

MRS. MADDEN.

DEAR MADAM,

I HAVE sent certificate. All my books are destroyed, so that I cannot give date, &c. Trusting this will answer your purpose,

Germantown, 7th April, 1886.

Yours truly,

CHAS. ROOKE.

This appeared as a telegram in *Examiner* of 1st October, 1881 :—

A NARROW ESCAPE.—An accident (says the Latrobe correspondent of the *Examiner*) occurred on Friday last to Mr. Madden, of the Leven. It appears that he was driving up to Latrobe bridge, going home with Mrs. Roberts, of the Don, Mrs. Riley, and Mrs. Kelcey, a daughter of the latter, and both of Tarleton, in a double buggy, when he saw a cart coming over the bridge. In trying to turn back the buggy was upset over the approach, and Mr. Madden and Mrs. Riley fell under the vehicle, while Mrs. Roberts and Mrs. Kelcey were thrown over the river bank, within a foot of deep water. Constables Callanan and King rescued the latter, and Callanan held the horse down while King drew the two others from under the vehicle. Mr. Madden, Mrs. Kelcey, and Mrs. Roberts were severely bruised and shaken, and Mrs. Riley was very badly hurt, but it is not certain yet what injury she had sustained. All the sufferers were taken to their respective homes.—*Mercury*.

The Launceston *Examiner* correspondent wrote under date October 4, as follows :—

Mrs. Riley, who fell under the vehicle in the accident at Latrobe Bridge on Friday last, was very badly bruised ; one of her ribs was broken, and others also considerably injured ; but she is now making favourable progress towards recovery. The Local Road Trust is severely censured for allowing the bridge approach to remain so long unfenced.

Chief Secretary's Office, Hobart, 26th June, 1886.

MEMO.

THE Chief Secretary has perused the enclosed correspondence, and is unable to discover any grounds upon which Mr. Madden can claim compensation from the General Government, more especially as the accident occurred more than four and a half years ago. Under any circumstances, the liability, if any exists, would rest with the Local Road Board.

J. W. AGNEW.

Mr. JAMES MADDEN, *Ulverstone, River Leven*.

To His Excellency Major SIR GEORGE CUMINE STRAHAN,
R.A., K.C.M.G., Governor and Commander-in-Chief
of Tasmania and its Dependencies, in Council assembled.

MAY IT PLEASE YOUR EXCELLENCY.

The Petition of the undersigned,

HUMBLY SHOWETH :

THAT Petitioner, on the 30th day of September, 1881, through no fault of his own, but through the neglect of some Government servant in not providing proper safeguards to the embankment of the eastern approach to the Mersey bridge at Latrobe, met with a serious accident, resulting in concussion of the brain and other permanent bodily injuries, which totally incapacitates Petitioner from in any way contributing to his support.

Petitioner therefore humbly prays that Your Excellency will, by and with the advice and consent of your Executive Council, cause these allegations to be enquired into, and, if found to be substantially correct, to recommend the Petitioner for such compensation as in Your Excellency's opinion will meet the circumstances of the special case.

And Petitioner, as in duty bound, will ever pray.

JAMES MADDEN.

Chief Secretary's Office, Hobart, 23rd August, 1886.

SIR,

IN reply to your Petition addressed to His Excellency the Governor, praying that you may be granted compensation for injuries received in 1881, when you met with an accident on the approach to the Mersey bridge, Latrobe, by reason of proper safeguards not having been provided to the embankment, I have the honor to inform you that the subject of your claim was fully enquired into in June last, and the result communicated to you on the 26th of that month.

The Government see no reason to vary the decision then arrived at, and are unable to recommend that you should be awarded compensation from public funds on account of the accident. As stated in my communication of the 26th June, if you are in a position to substantiate any claim it would be against the Local Road Board.

I am aware that this decision is in accordance with that communicated to you by the late Chief Secretary.

I have, &c.

Mr. JAMES MADDEN, *Ulverstone*.

J. W. AGNEW.