

(No. 49.)



1874.

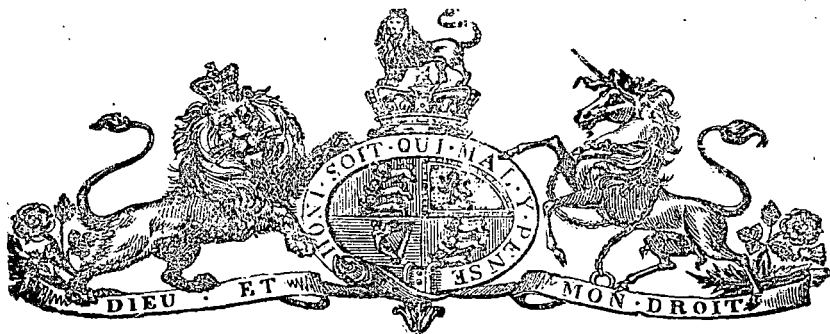
T A S M A N I A.

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

H U O N B R I D G E B I L L.

P E T I T I O N F R O M J A M E S L U C A S.

Presented by Mr. Jackson, and ordered by the House to be printed, July 31, 1874.



*To the Honorable the Speaker and Members of the House of Assembly of
Tasmania, in Parliament assembled.*

The humble Petition of James Lucas, of Victoria, on the River Huon, in Tasmania, Millowner.

RESPECTFULLY SHOWETH :

1. THAT your Petitioner has resided for upwards of twenty years upon his own property of one thousand acres of land, situate on the north bank of the Mountain River, and distant about four miles from the point on the Huon River at which the Main Road from Hobart Town to the Huon reaches such river; and your Petitioner's land is situate on the northern side of the said road.

2. That your Petitioner many years since invested large sums of money in the erection of saw-mills upon his said property, and has from time to time spent considerable sums in improving the same; and constructed a tramway from such mills to the margin of the River Huon, a distance of about two miles and a half; and has erected a jetty on the said river at the termination of the said tramway, and such jetty is situated about two miles above the point on the River Huon before mentioned at which it is proposed to construct a bridge across such river.

3. That your Petitioner employs in connection with the said mills a considerable number of men, and cuts at his said mills about twenty thousand feet of sawn timber per week; and by means of such employment about eighty persons, almost all residing on your Petitioner's land, are constantly maintained.

4. That for years past the timber so cut by your Petitioner, after being taken along such tramway as is before mentioned, has been shipped from the said jetty on board barges, which convey the said timber direct from the said jetty to Hobart Town and elsewhere; and at the present time two of such barges are constantly employed in conveying such timber for your Petitioner.

5. That proceedings have been taken under "The Local Public Works Act, 1872," and "The Local Public Works Amendment Act," for the purpose of having a bridge constructed across the River Huon at a point before stated, and a District has been proclaimed under such Acts, and a Poll has been taken and such work approved of by the requisite number of Landowners under the said Acts, and Promoters have been duly appointed for the said bridge; and such Promoters and the Honorable the Minister of Lands and Works have approved of plans and specifications for the construction of the said bridge.

6. That in such approved plans and specifications no provision whatever is made for a swing-bridge or draw-bridge, nor for keeping open the navigation of the River Huon at any point above the said bridge; and the height of the proposed bridge is such that at high water no vessel or barge having masts could pass under any of its arches, the greatest distance from the crown of the arch to the water level being fifteen feet or thereabout.

7. That the erection of the bridge in the manner proposed would (unless some other means could be provided for your Petitioner to convey his timber to market), by the closing the navigation of the river, necessitate the stoppage by your Petitioner of his said mills, which would involve a loss to your Petitioner of about one thousand one hundred per annum, besides depriving of employment and maintenance the large number of persons now employed and maintained in connection with such mill.

8. That your Petitioner, immediately upon hearing that it was contemplated to close the navigation of the River Huon by the erection of such bridge without any swing or draw-bridge for

the passage of vessels, protested to the Promoters of the bridge against such closure, and pointed out to them the hardship and injury and consequent ruin that would be entailed upon your Petitioner if such river were closed against navigation.

9. That such Promoters suggested to your Petitioner that he might obviate the closing of his said mills by laying down a tramway from his said mills to a point on the Huon River below the proposed bridge; but your Petitioner submits for the consideration of this Honorable House that the construction of such tramway would be of great cost and expense, as the distance which such tramway would have to traverse, if constructed upon proper and suitable gradients, would be upwards of four miles, and would have to be carried across the Mountain River, and, further, would have to be taken for a portion of the distance through private property; and your Petitioner is advised that he has no means of compelling the owners of such private property to permit him to construct a tramway through their land even were he disposed to do so.

10. That your Petitioner, moreover, respectfully submits that he is entitled to be protected in the exercise and enjoyment of his right to the free and unimpeded navigation of such river; and that he ought not to be called upon to incur any expense in making any other or different provision for the shipment of his timber in consequence of his trade being obstructed by the said bridge, unless upon the terms of the persons erecting such bridge making full and ample compensation to your Petitioner for all such expense.

11. That it cannot be denied that, unless such bridge be constructed under power expressly conferred by the Parliament upon the Promoters and authorising them to close such river against navigation and further indemnifying them against all liability for such closure, your Petitioner might have successfully maintained an action at law against the Promoters to recover the damage sustained by him on account of such closure, or might have obtained an injunction from the Supreme Court in its equitable jurisdiction restraining such Promoters from closing such navigation to the injury of your Petitioner.

12. That the said Promoters, being well aware of the protection which the Supreme Court would afford to your Petitioner, have caused a Bill to be introduced to your Honourable House, intituled "A Bill to facilitate the Construction of a Bridge over the River Huon,"—which Bill has been read a first time, and is ordered to stand for its second reading for Friday, the thirty-first day of July instant.

13. That such Bill, if passed into law, would at once deprive your Petitioner of all that protection and redress which the ordinary tribunals of the country would otherwise afford to your Petitioner in the exercise of his rights of property and navigation, and would enable the said Promoters to utterly ruin your Petitioner by closing his said Mills without affording to him one penny of compensation.

14. That your Petitioner most earnestly submits to the favourable consideration of this Honourable House the foregoing facts, and respectfully submits that the proposed legislation on behalf of the said Promoters is not such as should receive the assent of your Honourable House.

15. Your Petitioner further respectfully submits that if such Bill be passed, a clause should be introduced therein providing that the Promoters of such bridge should erect and maintain in such bridge a good and sufficient swing or drawbridge to enable vessels to pass up and down the said river as heretofore; or in the alternative, if such swing or drawbridge be not erected, that the Promoters should not be allowed to proceed with the said work except upon the terms of securing to your Petitioner fair and reasonable compensation for such injury as may be sustained by him by reason of the erection of the said bridge in such a manner as to obstruct the navigation of the River Huon, and thus interfere with the rights of your Petitioner.

And your Petitioner humbly prays that your Honourable House will take the whole of the premises into your gracious consideration, and cause justice to be done to your Petitioner. And your Petitioner further humbly prays that he may be heard by Counsel at the Bar of your Honourable House against the passing of the proposed Bill in its present form, and that he may be allowed to adduce evidence in support of the facts above set forth.

And your Petitioner will ever pray, &c.

JAMES LUCAS,
By JOHN ROBERTS his Attorney.