

(No. 27.)



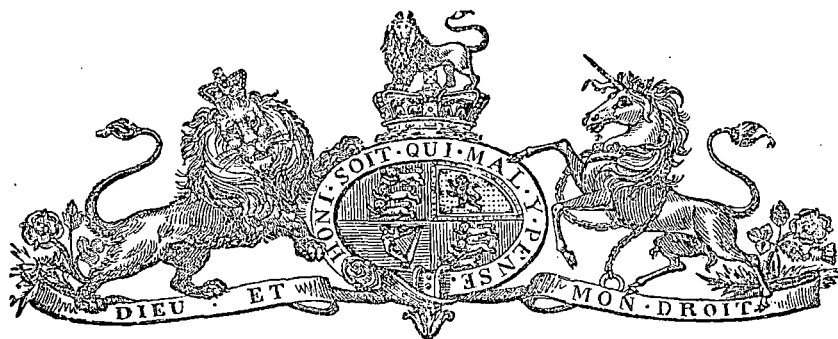
1864.

T A S M A N I A .

LEGISLATIVE COUNCIL.

S O R E L L C A U S E W A Y .

Laid on the Table by Mr. Whyte, and ordered by the Council to be printed,
July 1, 1864.



*To His Excellency Colonel THOMAS GORE BROWNE, C.B., Captain-General
and Governor-in-Chief of the Island of Tasmania and its Dependencies.*

The Petition of the undersigned Contributors to the £4000 Fund in aid of the Construction of the Sorell Causeway, and Landholders and others interested in the said Work.

RESPECTFULLY SHOWETH :

THAT in the year 1860 an Act of Parliament was passed authorising the appropriation of £4000 of the public money in aid of the construction of the Sorell Causeway, on condition that a like sum of £4000 should be raised by private contributions, and a further sum of £7000, being the estimated amount required for the full accomplishment of the work, should be raised by means of an annual assessment on the District, limited to a duration of thirty years, and vesting the management of the undertaking in five Trustees to be elected by the Ratepayers and appointed by the Governor in Council. That in December, 1860, five Trustees were accordingly elected, and duly appointed ; and on the 16th of January, 1861, at a Public Meeting convened in accordance with the provisions of the Act, a rate of One Shilling in the Pound on the annual value of the lands in the District, to continue for thirty years, was passed, as the means of repayment, with interest, of a loan of £7000, which was to be obtained on such security, in order to the fulfilment of one of the conditions aforesaid. The votes at the said meeting were 131 for the assessment, and 87 against it ; thus giving a majority of 44 votes in its favour.

2. That, in accordance with the terms of the Act, and on the faith of the stipulations mentioned, the sum of £4000, in cash and securities, was raised by private contributions from your Petitioners and others in fulfilment of the remaining condition ; and, on the same faith, the Government handed over to the Trustees £2000 (or one-half) of the public grant.

3. That thereupon a contract was entered into with one Martin M'Loughlin, whose tender was deemed the most eligible, by which he was to execute the work for £13,500, giving security in £1000 for its due completion, and by which, as a further security, twenty-five per cent. of all payments becoming due to him were to be retained until the completion of the work. That the work was accordingly proceeded with and prosecuted effectively until August, 1862, when the insolvency of the contractor caused a suspension of the same. Up to this period the Trustees had expended, in all, £4091, £3500 of which had been paid to the contractor, being 75 per cent. of the whole amount due to him ; the balance, some £1166, or 25 per cent., being withheld according to the contract as aforesaid. That the working gear, materials, &c, to a very considerable value, remained in the hands of the Trustees, as provided by the said contract ; and nearly one-half of the work was accomplished.

4. That the temporary suspension of the work until a new contract could be entered into was taken advantage of by the enemies of the project and of its management, by means unnecessary here to detail, to put a total stop to the same. The Government of the day, having been deceived by misrepresentations into a belief that the work was improperly conducted and the trust mismanaged, and two of the Trustees having resigned, removed the remaining three Trustees from office, and thus cast the fate of the undertaking upon the chance of a fresh election of Trustees by the Ratepayers.

5. That this accidental dissolution of the Trust has placed entirely in the hands of the Ratepayers the power either to proceed with the work in accordance with the Act, in fulfilment of the mutual stipulations and engagements, or by making the Act inoperative, practically to repudiate the assessment passed in January 1861, and so put a final stop to the project, as with them alone rests the power of electing or not a fresh body of Trustees to carry out the provisions of the said Act. And that since the assessment was passed as stated, the constant efforts used by the enemies of the work to prejudice the minds of the Ratepayers against the same, and particularly against the assessment,

have had the effect of changing the favourable opinions of a great number of the latter, consisting principally of small voters and tenants who have no real or permanent stake in the District, to such an extent that, finding the question once more virtually remitted to their decision by the temporary avoidance of the Trust, a sufficient number have determined to take advantage of the occasion, either to prevent the election of new Trustees, or to elect only such as will render the Act a dead letter, by not carrying out its provisions.

6. That accordingly, in November 1862, at a meeting duly convened for the purpose, five individuals, four of whom were notoriously bitter opponents to the undertaking, were duly elected Trustees, in spite of every opposition that could be offered; and three of these declared that they only took office to prevent the Act from being carried out, and pledged themselves, as a condition of their election, that the aforesaid assessment should not be carried into effect. This election having failed to receive confirmation from the Governor in Council, another meeting was held in the following January, and the same men were again elected, subject to the same pledges as before, amid exclamations of defiance to the Government. On this occasion their election was ratified by the Governor in Council. And these Trustees have ever since their appointment acted strictly in accordance with those pledges, and the work has consequently remained in total abeyance; nothing whatever having been effected except a useless reduction of the funds which remained in hand on their appointment in law and other expenses.

7. That it was entirely on the faith and security of the guarantees afforded by the aforesaid mutually dependent conditions that the work would be successfully and effectually accomplished, that your Petitioners were induced to contribute the sums stated after their names hereunto attached, in fulfilment of their part of the said conditions between themselves, the Government, and the Rate-payers. And now, after the greater part of their money has been expended, together with £2000 of the public grant, and the work brought to a most successful and forward state towards completion, if one of the parties to the treaty take advantage of an accidental circumstance which enables it, under the letter of the law, to practically retract or evade its responsibilities, the money contributed by your Petitioners on the faith of such treaty will have been literally thrown away, and a gross fraud will be practised upon them. And your Petitioners would respectfully appeal to Your Excellency to exercise the power which may be in your hands to protect them from such wrong.

8. With all deference, your Petitioners would suggest for Your Excellency's consideration the position in which a mortgagee would now have been placed as to his security, if, previously to the removal of the late Trustees, the contemplated loan of £7000 had been actually negotiated. And Your Excellency's Petitioners would also respectfully submit, that if the aforesaid repudiation be permitted to be successful, one of the most useful privileges of the Municipal System will be virtually destroyed,—namely, that of raising loans for public works on the security of assessments.

9. Your Petitioners would most respectfully submit that, whatever means may be adopted for the protection of Your Excellency's Petitioners, and completion of the Causeway, it is essential that it be prosecuted in strict accordance with the original plan and specification, as any departure from these will cause the undertaking to forfeit the advantages which is held under the Contract on the failure of the Contractor; namely, the security of £1000 to make good deficiencies arising in consequence of such failure, as well as the 25 per cent. or £1166 retained for the same purpose, and also the use of the very valuable materials and working gear on the site.

10. Your Petitioners would, with all deference, submit to Your Excellency, that the ruinous as well as obstructive action of the present Trustees, in wasting the Causeway resources in useless current expenses, and loss of property, without any progress of the work, is only tending further to cripple the undertaking, in accordance with their avowed object to put a final stop to the same, and cannot be too speedily arrested.

11. Your Petitioners therefore pray that Your Excellency will be pleased to remove the present Trustees of the Sorell Causeway from such office, and to take such measures as will place in Your Excellency's hands the power of appointing new Trustees or Commissioners to carry out the work in accordance with the intent of the Act and the existing plan, or to adopt such other course as Your Excellency may think fit for the accomplishment of the same.

<i>Signatures.</i>	<i>Contributions.</i>	<i>Signatures.</i>	<i>Contributions.</i>
	£		£
F. Allison	67	Alexander Denholm	5
Thomas Bidgood	10	William Gard	200
James Bannister	5	G. H. Gatehouse	50
George Crisp	5	Jonas Gatehouse	100
Thomas Clark	10	John Gatehouse	5
George Cherry	1	Alfred Huybers	10
Richard Crocker	300	William Hamilton	5
Joseph Cooper	10	James Harcourt	10
David Barton	5	James Hammond	10

	£		£
Robert Halstead	50	J. Walsh	50
John Halstead	50	John Walker	300
Joseph Hayton	50	Isaac Wright	5
Samuel Iles	50	William Watkins	10
Robert C. Jenkins	20	Matthew Quinn	10
R. Willing, for Self & Trustees.	100	George Young	5
Charles Lucas	5	George Hayton	30
G. Marshall	250	R. Lewis	200
George Marshall, junior	50	Thomas Marshall.	
William Martin	20	Thomas Ryley.	
J. R. Morrisby	50	W. Harrison.	
Alfred Nicholas	10	William Worledge.	
Ephraim Newitt	50	W. Paterson.	
Joseph Paterson	5	Robert Franklin.	
Thomas Paterson	10	James Young.	
William Pitt	10	P. Clarke.	
Pitt & Watchorn	10	Thomas Featherstone.	
Samuel Parson	10	Samuel Westbrook, <i>J.P.</i>	
John Regan	1	James Norman, (Clerk)	
William Robertson	50	R. C. Crocker.	
John Smith	50	George Peacock.	
A. G. Webster	10	Job Stanton.	
Robert Worley	10	James Roach.	
H. J. Warner	5	Josiah Nichols.	

Sorell, 23rd May, 1864.

SIR,

I HAVE the honor to state that, at a Public Meeting held on the 21st instant at Sorell, and of which meeting I was the Chairman, Edward Moore, junior, Esquire, *J.P.*, was nominated by a majority of the landholders and householders present as a Trustee of the Sorell Causeway, *vice* Robert Blyth, Esq., whose resignation was accepted by the Government.

I beg to draw your attention to the Fourth and Fifth Sections of the "Causeway Act," in order that the appointment of Mr. Moore may be made by the Governor in Council within the time prescribed.

I have the honor to be,
Sir,

Your obedient Servant,
ROBERT BLYTH, *J.P.*

The Honorable the Colonial Secretary, Hobart Town.

THE attention of the Chairman of the Meeting is called to the provisions of the 2nd Section, with the request that he will furnish references to the *Gazette* and Newspapers, and also date of Requisition upon which the Meeting was called.

B. TRAVERS SOLLY.

25 May, 1864.

As directed, I have looked at the 2nd Section of 24 Vict. No. 27, and believe all the conditions of that Clause were complied with. I beg to refer the Colonial Secretary to *The Hobart Town Gazette*, page 980, of date May 10, 1864, eleven days before the day of meeting, and to the *Mercury* newspaper of May 7th, 1864, or thirteen clear days before the day of meeting.

ROBERT BLYTH, *Chairman of the Meeting.*

Sorell, 23rd May, 1864.

SIR,

WE the undersigned, who are subscribers to the Sorell Causeway Fund, and landed proprietors having a permanent stake in the District of Sorell, beg leave most respectfully to submit to the consideration of the Government our sentiments and views respecting the management of the undertaking alluded to.

We beg leave to refer to the Petition to His Excellency the Governor which we, in conjunction with other subscribers and representatives of property, had the honor to forward to you on the 13th instant, praying His Excellency to remove the present Trustees of the Sorell Causeway from such office, and to vest in the hands of the Government the sole power to appoint the managing body. As circumstances have since arisen which might have the effect of deceiving the Government into an erroneous impression that the objects of that Petition were superseded, we beg leave most earnestly and emphatically, but with all deference, to reiterate the prayer of that Petition.

The circumstances alluded to are, that now at length, after a year and a half of total inaction and passive resistance to the law in all except a useless expenditure of resources, the Trustees of the Causeway, under pressure of fear that on the meeting of Parliament the trust would be dissolved and the management assumed by the Government, have shown symptoms of activity by causing a meeting to be held at Sorell on the 21st instant, and a Trustee to be nominated thereat for appointment, to fill a vacancy which occurred six months ago. But we beg most emphatically to declare that the majority of the subscribers, and those having a permanent interest in the work and in the District, have no confidence whatever in either the desire or the capability of the present Trustees to carry on the work in question effectively. We beg leave to solicit attention to the notorious fact that these Trustees were nominated *not* for the purpose of carrying out the undertaking, and therefore were not chosen with any view to their fitness for the task, but solely with the factious object of obstructing the same, and of rendering the Act a dead letter; an object which they have strictly fulfilled in accordance with the wishes of those who nominated them. The only action which they have taken since their appointment, a year and a half ago, has been the expenditure of the funds in reckless waste, and injury to the prospects of the undertaking; nor have they ever published any account of the same in accordance with the provisions of the Act; and we look with the greatest alarm upon the prospect of their being permitted to exercise any further activity in mischief.

We would respectfully submit, that the experience of the working of the "Causeway Act" from the commencement, the jealousies and dissensions, and plots and cabals, by which its administration has throughout been embarrassed and retarded; and, at length, the proof which has been afforded that the factious designs of a body of persons generally having no permanent stake in the District, or the representatives of these, can at any time arrest the whole undertaking and subvert its arrangements, even to the repudiation of public engagements and violation of public faith, have entirely destroyed all public confidence in its security, and clearly indicate that, if the work is ever to be prosecuted with efficiency as well as satisfaction to all parties, a radical change will be essential in the provisions for its management, so as to restore the confidence of the public and the capitalist whose co-operation will hereafter be requisite, and thus place the project on an effective and trustworthy basis. And we are of opinion that this can only be accomplished by placing the undertaking entirely under the auspices and effective control of the Government.

We, therefore, venture to express an earnest hope that, on a review of the foregoing considerations, His Excellency the Governor in Council will be pleased *not* to ratify the nomination made to the Sorell Causeway Trust on the 21st instant, and will cause all further action to be placed in the hands of the Government.

We have the honor to be,
Sir,

Your very obedient humble Servants,

	£		£
Askin Morrison.....	500	Geo. Marshall, junr., of Summer Hill...	50
Richd. Crocker of Bellevue, subscriber of.....	300	John Walker, of High Frith.....	300
R. Lewis.....	200	Jonas Gatehouse, of Steam Mills..	50
G. Marshall of Noble Farm, &c...	250	William Gard, Sorell.....	200
G. H. Gatehouse.....	250	Elizabeth Anne Glover, Horsecroft of Walsh.....	50
Robert Halstead, and for John Halstead of White Lea.....	100		

The Honorable JAMES WHYTE, Esquire, Colonial Secretary.

Colonial Secretary's Office, 4th June, 1864.

SIR,

THE Government have had under consideration the nomination of Edward Moore, junr., Esq., as Trustee of the Sorell Causeway to supply the vacancy caused by your resignation and I am in a position to inform you that, having had before them the earnest remonstrance of a large number

of subscribers to the Causeway against the course pursued by the present body of Trustees as tending to postpone indefinitely the completion of the undertaking, they have it in contemplation to adopt such measures as may appear best calculated to ensure the vigorous prosecution of the work; and, under these circumstances it appears to them, that the appointment of Mr. Moore at this juncture might mislead both the Trustees and the Ratepayers as to their views and opinions in regard to the line of policy adopted by the governing body in the fulfilment of their trust.

Without, therefore, in the slightest degree questioning Mr. Moore's fitness, individually, for the duties of the Office, the Government prefer allowing his nomination to lapse.

I have, &c.,

(Signed) JAMES WHYTE.

R. BLYTH, *Esq*, *J.P.*, *Sorell*.

Sorell, 9th June, 1864.

SIR,

I BEG to acknowledge the receipt of a letter from you of the 4th instant, in which you address me, I presume, as Chairman of the late meeting in which Mr. Moore was nominated as Trustee of the Sorell Causeway, and express the intention of the Government to let the nomination lapse, and in which you state, that such action is owing to having received the earnest remonstrance of a large number of subscribers to the Causeway against the course pursued by the present body of Trustees, and then infer that to appoint Mr. Moore might mislead the Trustees as to your views and opinions of their line of policy, &c.

I shall forward a copy of your letter to each of the Trustees; but as your decision is formed upon data of which they have no means of knowing the accuracy, and implies consequences to them that they should in all fairness have an opportunity of averting, may I request that you will send me a copy of the remonstrance that has such importance in your opinion as to outweigh the out-spoken and recorded sentiments of the majority of the Ratepayers of this Municipality?

If you will be so good as to send me this paper, I will have it copied and sent to the Trustees, and also allow the Ratepayers to see what I gather from your letter may materially affect their interests.

I have the honor to be,

Sir,

Your obedient Servant,

ROBERT BLYTH.

The Honorable JAMES WHYTE, *Colonial Secretary.*

Colonial Secretary's Office, 20th June, 1864.

SIR,

In compliance with the request contained in your letter of the 9th instant, I am directed to forward, for your information, copy of two communications received by the Government respecting the Sorell Causeway and the proceedings of the Trustees.

I have, &c.,

(Signed) B. T. SOLLY.

R. BLYTH, *Esquire*, *Sorell*.