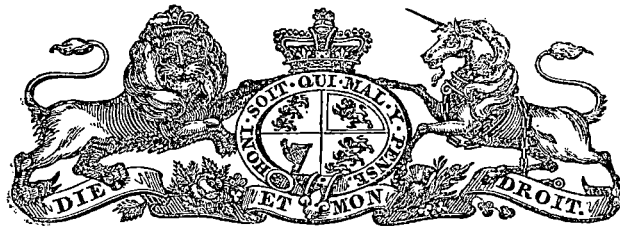


(No. 122.)



1861.

T A S M A N I A.

P E T I T I O N No. 216.

P R O S S E R ' S P L A I N S.

Presented by Mr. Chapman, and ordered by the House to be printed,
29 October, 1861.



To the Honorable the House of Assembly, in Parliament assembled.

The Petition of the undersigned Inhabitants of the District of Sorell.

RESPECTFULLY SHOWETH :

THAT a Petition has been presented to your Honorable House (ordered to be printed on the 28th August, 1861), from 23 inhabitants of Prosser's Plains, praying your Honorable House to address the Governor, to request him to reconsider his decision on a certain Petition addressed to His Excellency by 16 landholders in the South Pembroke Road District in January 1861; the prayer of which latter Petition was, that a certain defined area adjoining the Rural Municipality of Spring Bay might be united with that Municipality; His Excellency's decision being "that it would be inexpedient to alter the existing boundaries of the Municipality, as desired by the said Petitioners." Three of the 23 inhabitants of Prosser's Plains who have so petitioned your Honorable House are holders of land in the area indicated, there being altogether only 6 landholders therein; and 5 of these signed the aforesaid Petition to His Excellency.

2. That the area thus sought by these 23 Petitioners of Prosser's Plains to be annexed to the Municipality of Spring Bay is within the boundary, and forms a portion of the Police District of Sorell. And that after the passing of "The Rural Municipalities Act," and on the assignment of the pecuniary grants in aid of the several Municipalities, that boundary was fixed by the Government to be the boundary between the future Municipalities of Spring Bay and Sorell.

3. That heretofore a Road District has existed called the South Pembroke, which comprised the present Municipality of Spring Bay and certain adjoining portions of the Police Districts of Richmond and Sorell.

4. That, subsequently, on the Municipality of Spring Bay requesting to be made a Road District, it became necessary to confine such Road District to the boundaries of the said Municipality, thus liberating and restoring to the Police Districts (and future Municipalities) of Richmond and Sorell those portions, within their respective boundaries, which by right belonged to them, although for a time they had formed portions of the said Road District of South Pembroke then broken up.

5. That this redistribution or restoration of areas was duly proclaimed by Government Notice 183, dated 4th December, 1860, subject to the condition that any objections thereto should be made within a specified time; and that the said specified time elapsed without any such objections being made. And your Petitioners therefore concluded that the engagement conveyed by that Government Notice was fulfilled; and that the northern boundary of the District of Sorell whether as a Police District, a Road District, or a Municipality, remained as it had always been as a Police District, and as it was established by the Government after the passing of "The Rural Municipalities Act," as before stated.

6. That although it is true that the 5th Section of "The Rural Municipalities Act" provides for the union with any Municipality of any adjoining defined area on Petition of a majority of the occupiers of property therein, yet it is neither imperative by the Act, nor expedient in practice, that in all cases such petitions should be complied with. And the question as to general public interests, in comparison with special and individual ones, involved in the prayer of these 23 petitioning inhabitants of Prosser's Plains presents elements rendering this a case of most exceptional character.

7. That with a view to the construction of the Causeway across the Pittwater Estuary, a Public Meeting of the ratepayers of the Sorell District, was held on the 16th January, 1861, for the purpose of imposing an Assessment on the District, pursuant to the provisions of "The Sorell Causeway Act," the objects of which Meeting were duly and publicly advertised on the 1st January, 1861; and that in full reliance on the boundaries of the District being established as defined and confirmed in the manner herein detailed, the said Meeting passed a rate of One Shilling in the Pound on the annual value of the property in the District, to continue for Thirty years, on the security of which to borrow, and wherewith to repay with interest, the sum of £7000 required in aid of the said work.

8. That your Petitioners, in taking this step, not only calculated upon the Assessment of the area of the District, as so established, but had in view also the great increase in annual value which would speedily accrue to the lands comprised in the added, or restored portion, from the construction of the work itself alluded to, as well as the tracts of crown land lying within the said area, through which the new line of road

to Prosser's Plains and Spring Bay would pass, and which would thus be opened up and located, and brought within a fuller operation of the assessment, so as to assist in repaying the cost of the said Causeway, to which work alone would be attributable such increased yield of assessment. And that on the faith and security of the rate so passed, the contract was entered into and the construction of that important work commenced.

9. That your Petitioners deem it unnecessary to dilate upon the general importance of, and public benefit which must result from the Sorell Causeway now in course of construction, as a means of opening up a great Eastern thoroughfare, by a direct communication between the capital and the shipping port of Spring Bay, and the other Eastern Settlements of the Island; and causing the location and settlement of large tracts of crown land valuable for agriculture and timber between Sorell and Prosser's Plains, these points being conceded on all hands.

10. That although the argument used by the 23 Prosser's Plains Petitioners, namely, that by assigning the disputed area to Sorell "a portion of the principal road between Hobart Town and the Eastern Coast would fall into the Sorell District," and "that the inhabitants of Prosser's have a greater and more direct interest in the maintenance of this road than those of any other place," and, "that it is therefore desirable that such portion of road should be under the management and control of those interested in it, especially of the inhabitants of Prosser's Plains, &c.," may afford a *prima facie* case in their favor, yet the complexion of the case is entirely altered and their argument falls to the ground, when it is remembered that on the completion of the Causeway, the present circuitous and mountainous road *via* Richmond will cease to be the line of communication between Hobart Town and the Eastern Settlements, and will be substituted by the nearer and more direct and practicable route through Sorell by the Causeway, which, although diverting some amount of traffic from Richmond and Risdon, will conduce to the advantage of the Eastern Settlements in particular, including Prosser's Plains itself, and the public interest in general, by bringing into occupation and use, as already stated, a large amount of crown land contiguous to the new line, and opening a valuable timber country.

11. That the objection raised by the Prosser's Plains Petitioners, "that the making of the Sorell Causeway would not open up any road between Prosser's Plains and Sorell, since the country between Buckland and Sorell is so mountainous as to be impassable for loaded carts," is not true; for a route from Prosser's to Sorell much more practicable, as well as shorter by ten miles, has been well known for very many years, but has not been generally adopted hitherto, in consequence of the want of direct communication onwards from Sorell to Hobart Town. And loaded carts of those settlers on the said route do pass both to Sorell and Prosser's, as occasion may require.

12. That the objection urged that, "to lodge an information, procure a constable, or register a dog, they (the residents in the disputed area) would have to travel about 20 miles over a rugged mountainous country to Sorell" is merely a specious argument, for there are at present but six landholders in that area, and only one of these is a resident therein, the only other residents being a few shepherds. And your Petitioners submit that the same objection would apply to every Municipal District, as there must be portions of every such District at a considerable distance from the head or central station. But when the tract of country under discussion shall be so located and inhabited, as, under the contemplated direct communication it undoubtedly speedily will be, the Municipality of Sorell will, doubtless, make such arrangements as will duly provide for the Police wants thereof; and probably, at any rate, mutual arrangements for Police convenience and co-operation will be made between all adjoining Municipalities, so as to obviate any such inconvenience as that suggested.

13. Your Petitioners would repeat that upon the principle cited by the Prosser's Plains Petitioners "That the decision of Government (in assigning the disputed area to Sorell) is utterly repugnant to the spirit of the 5th clause of the Rural Municipalities Act, by which alone existing districts can make such alterations, &c.," the Settlements of the Carlton and Bream Creek, together with the whole extent of country thence to Cape Bernier on the southern boundary of Spring Bay, might become united with the latter, in order to avoid the assessment for the Causeway, whilst they would still equally benefit by the work; and in like manner the whole of Orierton might demand to be united to Richmond with a similar object, the effect of which would manifestly be to put a stop to the construction of the Causeway now in progress, and leave the District of Sorell composed of little more than the mere Township; and further, according to the same argument the inhabitants of Sorell would have as just a right to claim all the territory between that District and the Township of Richmond, upon the pretext that their only road to Hobart Town and the northern parts of the Colony, passes through that tract of country up to the said Township, and is of no interest whatever to the people of Richmond, although it is included in that Municipality.

14. That your Petitioners believe that the prayer of the 23 inhabitants of Prosser's Plains is not in accordance with the wishes of the majority of the rate-payers of Spring Bay Municipality, seeing that out of that extensive District, containing 102 rate-payers, only these 23 persons, confined to Prosser's Plains, have signed that Petition, two of them not being on the Valuation Roll at all.

15. That your Petitioners admit that it may be detrimental to the personal interests of the holders of land in the disputed area, to be subjected to the Causeway rate, and worse still to some of them to have the indicated new road to Prosser's and Spring Bay passing through their sheep-runs, and to be disturbed in the possession of those extensive crown lands at present held at a merely nominal cost, by the opening up and sale of the portions of them adapted for agriculture; and if the District of Sorell be deprived of the said area, such road will probably never be opened, as the line will be out of the control of the Sorell Municipality.

16. Your Petitioners would most respectfully submit that it is the legitimate duty of a governing power, in granting or withholding objects sought by a section of a community, not only to consider the weight of general interests involved, as opposed to narrow and individual ones, but also to exercise its own discretion, deciding by its own unprejudiced wisdom, whether compliance or refusal would be most beneficial to the petitioning body itself.

17. That in comparison with the magnitude of the general interests involved, as shown by your Petitioners, and the establishment of a direct main thoroughfare between Hobart Town and the East Coast, any considerations as to the existing bush-road from Prosser's to Richmond, through an almost impracticable country, whatever sums of money may heretofore have been sunk in its improvement, or any personal interest of the 5 petitioning landholders of the disputed tract, are as dust in the balance.

18. And your Petitioners therefore pray that your Honorable House, taking the foregoing details into consideration, will be pleased not to accede to the prayer of the Petition of the 23 inhabitants of Prosser's Plains, presented to your Honorable House and ordered to be printed, on the 28th August, 1861.

[Here follow 79 Signatures.]