

(No. 63.)



1869.

T A S M A N I A.

LEGISLATIVE COUNCIL.

BOTHWELL MUNICIPALITY.

CORRESPONDENCE RELATING TO ALTERATION OF
BOUNDARY.

Return to an Order of the Council dated September 9, 1869. (Captain Langdon.)

Laid upon the Table by Mr. Wilson, and ordered by the Council to be printed,
September 9, 1869.



Council Chambers, Bothwell, 25th January, 1869.

SIR,

I HAVE the honor to inform you that, at a Meeting of the Bothwell Municipal Council held on Saturday last, the 23rd January, a discussion took place relative to the recent curtailment of the area of this Municipality, as shown by a Tracing furnished by the Inspector of Police, and a Notice in the *Gazette* of the 5th January instant; and the Council subsequently passed a Resolution that I should, on behalf of the Council, communicate to the Government its earnest protest against these alterations of the boundaries of the District, whereby its revenue is diminished.

This late alteration is the second that has taken place since the establishment of the Municipality; and as, by the wording of the present "Municipalities Act," it appears that any two or three Ratepayers have it in their power, no matter how frivolous their motives, to obtain an alteration of the Municipal boundaries, without the slightest reference even being made to the voice of the inhabitants in general, or their representatives the Municipal Council, as to the necessity or desirability of such alteration, the result will follow—unless some steps are taken by an amendment in the Law in that respect to prevent a recurrence of such alterations—that the Municipal boundaries will become so circumscribed that it will be impossible, from want of a sufficient revenue, to keep up a Municipal Establishment at all.

By the late severance of the north-west portion of the District, the Municipal Revenue has been reduced by about £45; and by the taking away of the Hunting Ground portion, and annexing the same to Green Ponds, a loss of about £35 and upwards has occurred to our revenue; and as the same Establishment has to be kept up, if regard is to be had to the requirements of the public interests, it follows as a matter of course that every curtailment of the District involves additional burthens cast upon those who still continue within its borders.

I beg to append the Resolution of the Council; and trusting that His Excellency the Governor in Council will be pleased to give the same, together with the foregoing observations, his serious consideration, and that I may be apprised of the result thereof for the information of the Municipal Council as early as convenient,

I have the honor to be,

Sir,

Your obedient Servant,

A. M'DOWALL, *Warden.*

The Honorable the Colonial Secretary.

"Resolved unanimously, that an earnest protest be made by this Council, on behalf of the Inhabitants of the District, against the curtailment of the area of the Municipality, whereby the revenue is greatly diminished; and that the Warden be requested to communicate the same to the Government as early as possible."

True Extract from the Minute Book of the Bothwell Municipal Council,

M. ROBINSON, *Council Clerk.*

Bothwell, 25th January, 1869.

Colonial Secretary's Office, 26th January, 1869.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 25th instant, forwarding a copy of a Resolution passed by the Municipal Council protesting against the recent curtailment of the area of the Municipality by the annexation of a portion to the Municipal District of the Lake District.

By the 26 Vict. No. 16, no alteration of the boundaries of a Municipality could be made except upon the application, and with the consent of, the Municipal Council; but this state of the

Law was found to work injuriously in several instances, by enforcing the continued inclusion of the properties of individuals in Municipalities wherein they had no interest,—the Municipal Councils, in most cases, being averse to any reduction in the area. Accordingly, the Law was altered by the present Rural Municipalities Act, Section 9, to meet this class of cases; and in the present instance the requirements of the Law having been fulfilled, the Government were not prepared to withhold their assent to the wishes of the majority, whose interests were clearly involved in the alteration they desired.

Under these circumstances it is not in my power to recommend His Excellency to interfere with the existing boundaries as defined by Proclamation under date the 4th January instant.

I have the honor to be,
Sir,

Your obedient Servant,

RICHARD DRY.

A. M'DOWALL, Esq., Warden, Bothwell.

Council Chamber, Bothwell, 8th February, 1869.

SIR,

I HAVE the honor, in acknowledging your letter of the 26th ultimo in reply to mine of the previous day, forwarding to you the resolution of the Bothwell Municipal Council in the form of a protest against the recent addition of a part of this District to the Police District of South Longford, to make the following remarks:—

The permissive power granted to the Governor in Council by the existing Rural Municipalities Act, to alter the boundaries of any District on the petition of a majority of the ratepayers in the area proposed to be detached, has not been overlooked; but it certainly was never contemplated by the Legislature in passing such a law that any decision should be arrived at on an *ex parte* statement.

The Council, consisting of seven persons elected by the ratepayers, has not in this case—nor in the matter of the former petition—had any opportunity of knowing officially what was about to be done. Had any such information reached it in a tangible form, it would have been an easy task to have convinced the Governor in Council that the petitioners had no sufficient grounds for making the application;—that while no complaint existed of want of sufficient Police supervision in that portion of the Municipality,—and while no crimes were reported that were not immediately traced or detected;—and while the Inspector of Police *has never yet withheld his certificate* as to the sufficient *efficiency* of the Police Force of our Municipality,—it is both unfair and unjust on the part of the petitioners to make any such allegations. Had the petition, as it is contended should have been done, been submitted to this Council for their remarks, we could have shown the petitioners themselves that their Police rates will be increased while their Police protection will be less than formerly; for, unless it is argued that hitherto the South Longford Police expenses have been considerably in excess of the wants of the District as it formerly existed, the same Force cannot now be expected to supervise such a vast increase in the area of that district as the recent additions from this District and that of Hamilton have made.

The 15th Section 24 Vict. No. 8, provides that “It shall be lawful for the Municipal Council of every Municipality to cause to be set up, and to maintain, at the expense of the Municipality, permanent and conspicuous boundary marks of iron, wood, stone, or other durable material in exact conformity, or as near thereto as circumstances will admit, with the metes and bounds of the Municipality, and in the most public and convenient places along or near the line of such metes and bounds.” But if an application of two or three discontented, or it may be piqued landholders,—their voices not being taken according to property represented, as in all other Municipal matters where votes are taken in proportion to property held by mere majority of individuals, heard *ex parte*,—is to be acted upon, I cannot avoid the conclusion that instead of the words permanent and durable being used, fragile and temporary would have been more suitable, as these frequent alterations would otherwise render the re-erection of boundaries' marks, no slight item in the expenditure of the Municipality.

When in 1862 the question of petitioning the Government for Municipal Institution was first mooted, it met with the decided disapprobation of a very large section of the ratepayers; but Mr. Synnot, our representative in Parliament at that time, stated at a Public Meeting called to consider the matter, that at an interview with the Ministry he had received the assurance that in the event of the Police District praying for the establishment of a Municipality, the “boundaries of the District should be preserved;” and upon that assurance a sufficient number of signatures were attached to the petition to warrant the Government in acceding to its prayer.

Since that time all aid in a pecuniary shape has been withdrawn ; the area of the Municipality has been twice reduced without our knowledge or consent ; and still, by the power vested in the Chief Police authorities, the ratepayers have forced upon them an expenditure which cannot but be burthensome.

In conclusion, may I beg that, notwithstanding your being unable to recommend His Excellency to interfere in the existing boundaries, you will lay the petition referred to, and also this correspondence, before the Governor in Council, that His Excellency may be enabled to form his own opinion.

I have also to desire as a favour to be allowed to have a copy of the original Petition upon which the Government have acted, with any Official correspondence relating thereto, for the purpose of having the subject laid before Parliament during next Session, should that step appear to the Council to be desirable.

I have the honor to be,
Sir,

Your obedient Servant,

A. M'DOWALL, *Warden.*

To the Hon. the Colonial Secretary.

Colonial Secretary's Office, 26th February, 1869.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 8th instant, and in reply to acquaint you that under the original Rural Municipalities Act (21 Vict. No. 50) a District once proclaimed could not be reduced in area, but it could be increased by the addition of an adjoining area upon the petition of a majority of the proprietors in such area, and with the consent of the Municipal Council.

The Legislature, however, by the Act now in force, and after strong opposition on the part of the present Attorney-General, deliberately altered the law, and insisted on the Governor in Council being empowered, upon the application of a majority of the Ratepayers in any area, to add it to, or take it from, a Municipality ; and would not, although pressed to do so, make the consent of the Municipal Councils a condition to the alteration of boundaries.

Upon receiving the application from the majority of the Ratepayers in that portion of the Bothwell Municipality which has been added to the Great Lake District, and receiving the Report of the Inspector of Police as regards the provision for police protection over the extended area, the Government proceeded to carry out the provisions of the Act, and the intentions of the Legislature ; and while I regret that the present alteration should not prove acceptable to the Municipal Council of Bothwell, I would desire to point out that the clearly expressed will of the Parliament on this subject left the Government no alternative.

I have, &c.,
(Signed) RICHARD DRY.

A. M'DOWALL, *Esq., Warden, Bothwell.*

P.S.—Petition, &c., herewith as requested ; Chart to be returned.

MEMORANDUM.

Colonial Secretary's Office, 16th March, 1869.

THE Colonial Secretary presents his compliments to the Warden of Bothwell, and requests he will have the goodness to return to this Office, at his convenience, the Map showing the additions to the South Longford District forwarded to him on the 26th ultimo.

(Signed) B. T. SOLLY.

The Warden, Bothwell.

THE Warden at Bothwell presents his compliments to the Honorable the Colonial Secretary, and in returning the Map shewing the additions to the South Longford District, in compliance with the request contained in the Colonial Secretary's Memorandum of the 16th instant, begs to state that the Chart was retained for the purpose of being laid before a meeting of the Municipal Council, which has not yet taken place, otherwise the Chart would have been returned earlier.

A. M'DOWALL.

Bothwell, March 18, 1869.