

(No. 30.)



1898.

PARLIAMENT OF TASMANIA.

THE MIDLAND WATER BILL, (No. 15):

PETITION OF THE TRUSTEES OF THE RIVER CLYDE.

(Mr. Mackenzie, for Mr. Speaker, June 17, 1898.)

Ordered by the House of Assembly to be printed.

Cost of printing—19s.



*To the Honourable the Speaker and other Members of the
House of Assembly.*

The Petition of the undersigned, the Chairman and other Members of the River Clyde Trust,

HUMBLY SHOWETH :

THAT the River Clyde is fed by the waters of Lake Sorell and Lake Crescent.

THAT any diminution of the quantity of water flowing from Lake Sorell into Lake Crescent, and thence into the River Clyde, would be highly injurious to the interests of the inhabitants of the Districts of Bothwell and Hamilton, who are dependent upon that river for milling, irrigation, domestic, and other purposes, and that if such a diminution were the consequence of acts which could not have been done except under an authority conferred by the Legislature, then such acts would be virtually a confiscation by Parliament of rights attached to property.

That a Bill is now before your Honourable House which contains a clause providing that, notwithstanding anything contained in "The River Clyde Act," it shall be lawful for the Trustees of the Midland Water District to divert the waters of Lake Sorell in order to provide water for irrigation and for domestic and other purposes in the Midland Water District.

That, in the opinion of your Petitioners, the proviso at the end of this clause, which is in the following words—"Provided that the flow of water of the River Clyde, or of any drain, sluice, or channel, constructed under the provisions of 'The River Clyde Act,' is not diminished or affected by any such works"—does not sufficiently and adequately conserve the rights of the people of the Districts of Bothwell and Hamilton, and ensure to them the continuance of such a supply of water as they have hitherto enjoyed in ordinary years.

That, owing to the long-continued drought, the quantity of water in the River Clyde has been for many months past, and still is, much below the average, and mills have in consequence had to cease working, and much other inconvenience and loss has been occasioned.

That, if the Bill becomes law, and the Midland Water District Trustees construct works at Lake Sorell and divert the waters of that lake, they would under this proviso be free from all liability, and the diversion would be excused if they could prove that the flow of water in the Clyde was not lower than it was at the time of the passing of their Act, although by reason of such diversion the flow of water in the Clyde might be very much less than it had been in ordinary years, and than it would have been if the water of Lake Sorell had not been diverted.

That the River Clyde Trustees have, under the authority of "The River Clyde Act," erected a dam at the point where the Clyde flows out of Lake Crescent, and the height of such dam shows what was the level of water in that lake which the Trustees considered that it was desirable to maintain in order to provide adequately for the requirements of the inhabitants of the Districts of Bothwell and Hamilton, and your Petitioners respectfully contend that if the Midland Water District Trustees are authorised to divert water from Lake Sorell, it should be only upon condition that the level of the water in Lake Crescent shall not be reduced below the level of the top of such dam.

Your Petitioners are further of opinion that the clause in the said Bill, which deprives a person who has succeeded in an action against the Midland Water District Trustees of his costs unless he shall obtain a special certificate, is objectionable, as they submit that no special privilege should be conferred on any class of unsuccessful defendants.

Your Petitioners therefore humbly pray that your Honourable House will not pass the said Bill unless it shall have been amended in the directions pointed out in this Petition.

And your Petitioners will ever pray.

E. NICHOLAS, *Chairman of the Trust.*

E. L. ARCHER,

H. F. CHAMBERLEN, } *Trustees.*

A. A. REID,

J. D. WOOD,