

(No. 20.)



1861.

T A S M A N I A.

**SOUTH PEMBROKE ROAD DISTRICT.**

**PETITION FROM INHABITANTS OF PROSSER'S PLAINS.**

Presented by Mr. Whyte, and ordered by the Council to be printed,  
30 August, 1861.



*To the Legislative Council of Tasmania.*

The humble Petition of the undersigned Inhabitants of Prosser's Plains and its Vicinity.

SHOWETH:

THAT, upon the request of the Rural Municipality of Spring Bay to be proclaimed a Road District, it was proposed by Government Notice, No. 183, dated December 4, 1860, to break up the South Pembroke Road District, dividing the same between the Rural Municipality of Spring Bay, the Police District of Richmond, and the Police District of Sorell.

That to this proposal objections were made (as invited) by the Resolutions passed at a Public Meeting of the Landholders of the South Pembroke Road District, held January, 1861; and also by the following Petition from the Landholders of the South Pembroke Road District:—

*To His Excellency SIR H. E. YOUNG, Governor of Tasmania, &c.*

The humble Petition of the undersigned Landholders of the Road District of South Pembroke.

SHOWETH:

THAT it has been proposed to break up the said Road District of South Pembroke, and to divide the same between the Road Districts of Richmond and Sorell, and a new Road District to be erected co-extensive with the Rural Municipality of Spring Bay, and to be called by that name (*vide* Government Notice, No. 183).

That by this division a portion of the principal road between Hobart Town and the East Coast—lying between the Electoral District of Richmond on the one hand and the Township of Buckland on the other—would fall into the Sorell Road District.

That this piece of road is the direct way from Richmond to Prosser's Plains, Spring Bay, and the East Coast; but has no connection with Sorell or Pittwater.

That, with the exception of two or three shepherds, the only inhabitants near this road reside close to the Township of Buckland, Prosser's Plains; and that the inhabitants of Prosser's Plains have a greater and more direct interest in the maintenance of this road than those of any other place, inasmuch as many of them send their wool and other produce to market this way, and it is their direct road to Hobart Town.

That it is therefore desirable that this portion of road should be under the management and control of those interested in it, especially of the inhabitants of Prosser's Plains, to whom its maintenance is of more importance than that of any other line.

We therefore pray that Your Excellency will not break up the present South Pembroke Road District in the manner proposed, nor erect the Municipality of Spring Bay into a Road District, *without such an addition as shall include the road between Buckland and Brushy Plains.*

That accordingly those inhabitants of the neighbourhood of Prosser's Plains whose properties lie in the Sorell Police District, acting on the provisions of the fifth clause of "The Rural Municipalities Act," presented the following Petition:—

We, the undersigned landholders of the portion of the Sorell Police District hereinafter described, request that the same may be added to and form part of the Rural Municipality of Spring Bay, whereby, if that Municipality be proclaimed a Road District, the management of that portion of the road from Hobart Town to the East Coast which passes through the portion of the Police District of Sorell before alluded to, (a portion at present included in the South Pembroke Road District) will be left in the hands of those interested in its maintenance, *i. e.*, the inhabitants of Prosser's Plains, Spring Bay, and the neighbourhood.

Description of the proposed addition to the Rural Municipality of Spring Bay :—Bounded by a line commencing at Cape Bernier, and thence extending in a north-westerly direction to the Tea Tree Rivulet at the south-east angle of Lot 77 purchased by Mr. W. M. Orr, thence by the southern boundary of the same lot to the south-west corner of the same, and thence by a direct line to the south-east corner of a grant to Wm. Murray, and by the southern boundary of the same to the Brushy Plains River, and along the same to Lot 564 purchased by C. O. Parsons, and by the eastern and southern boundary of the same lot, and by the southern boundary of Lot 824 purchased by C. O. Parsons to the eastern boundary of Lot 565 purchased by C. O. Parsons, and thence northerly by the boundary of the Richmond Electoral District to the Prosser's River, and thence by the present boundary of the Municipality to the point of commencement.

That this Petition was signed by five out of the six landholders in this proposed addition, four of whom resided either in the Municipality of Spring Bay or within a mile of the same, (the remaining two residing at a distance from this portion) and this Petition received the consent of the Council of the Rural Municipality of Spring Bay.

That, on the 5th of April, 1861, the Assistant Colonial Secretary, in reply to a letter of the Secretary of the Sorell Causeway Trustees, wrote: "After due consideration of the subject, the Government have decided that they could not *with propriety* refuse the request of the Petitioners of Prosser's Plains."

That, coupling this expression of the intentions of Government with their repeated assertions that they were favourable to the development of Municipal action, which the fifth clause of "The Rural Municipalities Act" was undoubtedly intended to facilitate, the Petitioners were unprepared for the announcement by letter from the Colonial Secretary's Office, dated July 4th, 1861, that "it had been decided that it would be inexpedient to alter the existing boundaries of the Municipality as desired by the Petitioners."

That, although no ground has been assigned why such alteration should be inexpedient, your Petitioners knowing that the answer to these Petitions was delayed for the remarks of the Trustees of the Sorell Causeway thereon, can only ascribe this decision to the representations of the latter, whose Secretary, in a letter to the Colonial Secretary, after allowing that the Petition for the addition is signed by five out of the six landholders therein, goes on to make sundry erroneous statements, as for instance—"That the principal of the Petitioners are holders of Government land under depasturing licenses;" whereas three out of the five do not hold an acre of crown land within the proposed addition.

"That the portion of land that will be cut off lies between the existing Road District of Sorell, and the portion prayed for by the Petitioners will become unsaleable, having no direct road through it;" whereas the motive of the Petitioners for this addition, and of the landholders of Prosser's Plains who have supported this Petition, is their knowledge, that if the division according to the Government Notice, No. 183, be allowed to stand, the road through it is sure to go to decay; a road on which the Pembroke Road District has spent several hundred pounds,—not out of the rates of the proposed addition, which contains it, (they being but small) but out of those of Prosser's Plains generally.

"That the line of demarcation through the respective Districts, as proposed by the Government is the most desirable one, being the present Police District;" whereas the inhabitants of the proposed addition show by their Petition, that in their opinion this is not the case; and every one can imagine that the control of the Police coming under local management might render a change in the boundaries of Police Districts desirable; whilst in this instance, as regards roads, careful consideration long ago led to the utter disregard of the Police Districts in marking the boundaries of the Road Districts.

"That that line of demarcation is no nearer to the Township of Buckland than the Township of Sorell is to the Police District of Richmond;" which is simply untrue, as, by this arrangement, the boundary of the Sorell Police and Road Districts actually touches the Township of Buckland; which would render the addition acceptable to the residents therein, on the further ground that they would be within two or three miles of their Police Office and Constables, instead of upwards of twenty.

"That the road mentioned in the Petition will become extinct upon the opening up of the road through Sorell, and the road through Sorell *via* the Causeway to Hobart Town, will become the main road for the inhabitants of Prosser's Plains and Spring Bay." Even if this were true, it is not the making of the Sorell Causeway that would produce such an effect, or 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.

"That, if the Petition of the Prosser's Plains people should be granted, it will form a precedent or other portions of the District to petition upon, to relieve themselves of rates imposed upon a

a district for a general benefit. Ringarooma would petition, Bream Creek and the Carlton would organize meetings, &c." This would have some force if the cases were the same, but the Petition was not made to be relieved from rates to which they were liable, since the proposed addition never was part of the Sorell Road District, and though it has lately become so by the Governor's Proclamation, yet, by the wording of *The Sorell Causeway Act*, defining the meaning of the words District of Sorell for the purposes of that Act, they are not rateable for that Causeway, nor would it be just that they should, not having had any power of objecting or assenting to that undertaking, which is not the case with the landholders of Bream Creek and the Carlton. This is also an answer to the assertion "that the Sorell Causeway Trustees made their estimates and settled the rate of assessment on the faith of the arrangement respecting the area of the Sorell Road District made by Government (*vide* Government Notice, No. 183, 4th December, 1861.)"

That, feeling the decision of the Government on this Petition to be not only highly injurious to the interest of your Petitioners, as devoting to "*extinction*" their only available road to Hobart Town, but that it is also utterly repugnant to the spirit of the 5th Clause of *The Rural Municipalities Act*, by which alone existing Districts can make such alterations as the substitution of local for central Government renders needful,—an alteration particularly desirable in the instance of the proposed addition, when the properties of all the resident landholders are within a mile of the Township of Buckland, and one actually touches the same; and yet, to lodge an information, procure a constable, or register a dog, they would have to travel above twenty miles over a rugged mountainous country to Sorell.

Your Petitioners would therefore pray your Honorable House to address His Excellency, and request the reconsideration of this decision.

Charles Meredith  
William Cornish  
Edward Maum  
Thomas Cruttenden  
Robert Blackmore  
A. G. Olding  
W. Olding  
John Gatehouse  
Frederick Fennell  
Solomon Green  
Charles Dobson  
John Turney

E. Boulton, junior  
Mary Matheson  
Robert Blackmore  
J. Franklin  
F. L. Wilson  
Peter Simpson  
George Gelley  
James Gregson  
P. Swann  
Thomas Howell  
John Woodroft.