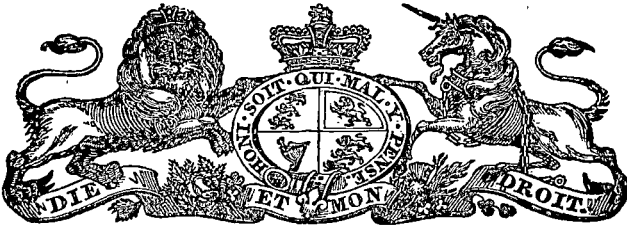


(No. 87.)



1881.

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T A S M A N I A.

LEGISLATIVE COUNCIL.

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**ROADS AND BRIDGES MAINTENANCE BILL,**  
(No. 5):

REPORT OF SELECT COMMITTEE.

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Brought up by Mr. Chapman, and ordered by the Council to be printed,  
September 21, 1881.



*REPORT on the Roads and Bridges Maintenance Bill, 1881, [No. 5].*

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THE Select Committee appointed on the 7th instant, to consider the provisions of the Bill to provide for the maintenance of certain Main Roads and Bridges, have the honor to report—

That, after carefully considering the provisions of the said Bill, they have unanimously arrived at the conclusion that the Bill in its present state will not satisfactorily accomplish the object contemplated,—viz., provide for the maintenance of certain Roads and Bridges in the Road Districts of the Island,—your Committee being unanimously of opinion that the Cross and Bye Roads Act, 1870, contains provisions for the construction and maintenance of such roads, and, with some few amendments, will, in the opinion of your Committee, be found suitable for the present wants of the Colony.

Your Committee deem it right to call attention to the fact that, until the Main Roads Act of 1880 came into operation, the Trustees of the several Road Districts had charge of all the roads of the Colony, with the exception of the Main Road between Hobart and Launceston.

The Main Roads Act, 1880, relieved the Road Trusts from the repair and maintenance of all the main lines of road extending through the several Road Districts, upwards of 500 miles, leaving the Trustees of the several Road Districts chargeable with the construction and maintenance of all the other roads in their Districts, together with the construction and maintenance of most of the bridges over the rivers in the said Districts. Your Committee, having under consideration the advantages enjoyed by the inhabitants of several Districts through the construction of railways, at considerable cost to the Public Treasury, are unanimously of opinion that the landholders in the several Road Districts should be relieved from the cost of the construction and maintenance of all bridges in their respective Districts; and have the honor to recommend that Parliament should be invited to make provision for the construction and maintenance of all bridges wherever they may be required, and the cost of their construction and maintenance made chargeable on the Consolidated Revenue of the Colony.

Your Committee beg to call special attention to Section 79 of the Cross and Bye Roads Act, 1870 (see Appendix A), by which it will be seen that the Trustees have power to levy a rate not exceeding One shilling in the pound in any one year for the construction and maintenance of the roads in their several Districts; and in accordance with the provisions of the Waste Lands Act, 1870, grants are made from the Public Treasury in aid of the funds collected by rate from the landholders of such Road Districts.

Your Committee also beg to call attention to Sections 99, 100, and 101 of the Cross and Bye Roads Act, by which authority is given to the Trustees, with the sanction of the landholders, to raise sums of money on loan on the security of a special rate, not exceeding One shilling in the pound, on the assessed annual value of the property in the district.

Your Committee are unanimously of opinion that it would be very undesirable to relieve the landholders of the several Road Districts of all their liability in respect to the construction of new roads or the substantial improvement of existing lines of road. At the same time, your Committee consider that, under existing circumstances, a liberal contribution from the Public Treasury should be made to the Trustees of the several Road Districts towards the construction of new lines of road or the substantial improvement of the existing lines of road. Your Committee, therefore, after fully considering the subject, have the honor to recommend that Parliament should be invited to contribute a free grant from the Public Treasury of two pounds for every one pound raised by way of loan secured by special rate, or contributed by special subscription, for that purpose.

Your Committee deem it right to call attention to the fact that, in addition to the grants in aid made from the Public Treasury in aid of the Road Trusts, one-half the purchase money derived from the sale of agricultural lands selected under the provisions of the 24th section of the Waste Lands Act, 1870, is specially set apart as a fund for the early construction of roads in the vicinity of such lands, and is made available for defraying the cost of constructing such roads immediately after the land is selected, and expended generally several years before the purchaser has completed the payment of his instalments into the Public Treasury.

In conclusion, your Committee beg to recommend that the further consideration of this Bill be postponed for a few days to enable the Members of this Council to consider the recommendations your Committee have made.

The Minutes of Proceedings and Evidence are appended.

THOS. D. CHAPMAN, *Chairman.*

*Legislative Council, 21st September, 1881.*

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*SELECT COMMITTEE on Roads and Bridges Bills.*

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MEMBERS.

MR. AIKENHEAD.  
MR. CHAPMAN.  
MR. CROWTHER.  
MR. DODERY.

MR. GRUBB.  
MR. MACLANACHAN.  
MR. MOORE.

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DAYS OF MEETING.

September 8, 9, 13, 16, 20, 21.

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WITNESS EXAMINED.

Mr. James Fincham.

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MINUTES OF PROCEEDINGS.

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THURSDAY, SEPTEMBER 8, 1881.

The Committee met at half-past eleven o'clock.

*Present.*—Mr. Aikenhead, Mr. Dodery, Mr. Maclanachan, Mr. Grubb, Mr. Chapman, Mr. Crowther.  
Mr. Chapman was appointed Chairman.

The Committee deliberate.

The Committee adjourned until to-morrow at half-past eleven o'clock.

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FRIDAY, SEPTEMBER 9, 1881.

The Committee met at twelve o'clock.

*Present.*—Mr. Chapman, Mr. Crowther, Mr. Maclanachan.

The Committee deliberate.

The Committee adjourned until Tuesday next at twelve o'clock.

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TUESDAY, SEPTEMBER 13, 1881.

Mr. Chapman attended at 12 o'clock.

No quorum.

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FRIDAY, SEPTEMBER 16, 1881.

Mr. Chapman and Mr. Crowther attended at twelve o'clock.

No quorum.

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TUESDAY, SEPTEMBER 20, 1881.

The Committee met at eleven o'clock.

*Present.*—Mr. Dodery, Mr. Grubb, Mr. Maclanachan, Mr. Chapman, Mr. Crowther, Mr. Aikenhead.

A copy of a letter to the Clerk of the Council, forwarded by the President to the Chairman of the Committee, was read and received. (Appendix B.)

*Ordered,* That Mr. James Fincham, Engineer-in-Chief, be summoned to attend the Committee at half-past ten o'clock to-morrow.

The Committee adjourn until to-morrow at half-past ten o'clock.

WEDNESDAY, SEPTEMBER 21, 1881.

The Committee met at half-past ten o'clock.

*Present.*—Mr. Chapman, Mr. Grubb, Mr. Dodery, Mr. Maclanachan, Mr. Aikenhead, Mr. Crowther.

Mr. Fincham attended the Committee, and handed to the Chairman a protest against the action of the Committee in requiring his attendance to give evidence. (Appendix C.)

Mr. Fincham examined.

The Committee adjourn until two o'clock.

The Committee met at two o'clock.

*Present.*—Mr. Chapman, Mr. Grubb, Mr. Aikenhead, Mr. Crowther, Mr. Dodery, Mr. Maclanachan.

Mr. Fincham handed to the Chairman a telegram he had received from the Minister of Lands and Works on September 10. (Appendix D.)

Mr. Fincham examined.

The Committee adjourned until seven o'clock.

The Committee met at seven o'clock.

The Chairman presented a Draft Report on the Roads and Bridges Maintenance Bill, 1881, [No. 5], which was read.

*Resolved,* That the Report be adopted.

The Committee adjourned until to-morrow at ten o'clock.

## EVIDENCE.

MR. JAMES FINCHAM, *examined.*

1. *By Mr. Chapman.*—Your name is James Fincham, and you are Engineer-in-Chief in the service of the Government of this Colony? I am.

2. Will you inform the Committee where you have been engaged during the last fortnight? At Bischoff, Emu Bay, Launceston, Upper Ringarooma, Branxholm, and George Town.

3. Were you on your way returning to Hobart from Launceston during the past week or ten days? I had returned as far as Evandale on last Saturday week.

4. Was it your intention to return to Hobart? It was; by the express train that day.

5. Why did you change your plans? Because of a telegram which had been addressed to me at different places along the Coast being delivered to me at Evandale.

6. From whom was the telegram? The Minister of Lands.

7. Have you the telegram with you? I have not: it is a confidential telegram on public business.

8. Calling your attention to the proposed expenditure of £3000 for metalling the slab portion of the road from Ulverstone towards Castra, can you inform the Committee the number of miles? Between 5 and 6.

9. Will that complete the metalling of the slab road for the whole length, about 8 miles? The whole length is not required to be done, as some small intermediate portions are done or are being done already, and other portions, near Ulverstone, are sufficiently good to be left for some time and be repaired by the Road Trust when required.

10. What width do you propose metalling? The usual width on cross roads, of 12 feet.

11. Do you look upon this as a temporary work? Certainly not; when the work is completed by the expenditure of this money, I consider the road will be a substantial and good one, provided it receives fair attention for maintenance from the road trustees.

12. Is the traffic on the road heavy? Yes; but not so heavy as it has been. The original slab road has been destroyed as much by neglect as by the exceptionally heavy traffic, principally consisting of palings.

13. Is the road well drained along the line? Very indifferently.

14. Have you any funds available to complete the drainage? The sum voted will be sufficient for the metalling and completing the drainage. The original drains were destroyed by being cut up by drays, and silted up by neglect. The Department has already expended money in improving the drains.

15. Can you give the Committee any information with regard to the original construction of this road? It was an ordinary slab road, with a border of stoning some 2 feet wide on each side of the slabs,

and fairly drained, but destroyed, as I have before said, by neglect. I have never seen any evidence of an attempt at repairing the broken slabs, excepting what has been done through the Public Works Department during the last two years.

16. In fact, with the expenditure of this £3000, you believe the whole of the original slab road of 8 miles will be left in good order? Yes, that is so.

17. Can you furnish the Committee with a Return showing the whole of the amount that has been expended by the Government in the construction and maintenance of this road to the present date? I will do so.

18. From the end of the slab road towards Castra what is the condition of the road? For a distance of  $3\frac{1}{2}$  miles a good metalled road was made about 3 years ago by the Government, at a cost of £1800, but I cannot see that anything has been done in the way of repair by the Road Trust.

19. Can you inform the Committee in which Road District this road is? In the Forth District, and is the principal Cross Road in that District.

20. Are you aware whether that District levied a rate and received any grant in aid from the Government during the year 1880? They evidently have neither levied a rate nor received any contribution, according to the Colonial Treasurer's Return dated June 9th, Paper No. 49, L.C., 19th July, 1881.

21. What will be the probable cost of putting this  $3\frac{1}{2}$  miles of metalled road in fair repair? About twenty pounds.

22. I understand you to say that the road was substantially made by the Government about three years ago: can you inform the Committee what is the cause of its present state? The cartage of heavy blackwood logs on wheels unsuitable, and which acted as a cutter on the road. I have seen  $2\frac{1}{2}$ -inch tires on 6-inch wheels, made to fit by shaping the wheels in section like the letter V,—just a perfect machine for destroying a road.

23. Then, with ordinary care and attention on the part of the Road Trustees, the road might, with the expenditure of a few pounds, have been kept in good repair? It might.

24. The proposed vote for £1100 will extend over 5 miles on to Mr. Fulton's lot, the furthest settlement? It will.

25. Will the amount asked for complete and metal the road for that distance? No; metalling is not required at all over part of the distance; there are fewer settlers to be served, and the vote will be quite sufficient to do away with the serious difficulties they now labour under, portions being simply impassable during a great part of the year.

26. The advance of ten shillings per acre on the lands taken up by the settlers on that line of road has been expended in improvements? Partially.

27. Can you furnish the Committee with a return showing the total expenditure on the Castra Road from that source, with the names of the settlers and the area of each selection? I will do so.

28. Will the proposed vote of £1000 for the construction of the branch road from M'Donald's lot through Dooley's Plains to Gunn's Plains, a distance of five miles, be sufficient? I believe it will, as the most necessary works to be carried out will only extend over about 100 chains. I have not been over that line of road myself, but the District Inspector went over it and made an estimate of the most necessary work.

29. *By Mr. Dodery.*—What is your experience with regard to the traffic on a narrow road of 12 feet? My experience is that it stands under a heavy traffic after the first repairs, such repairs consisting of filling in the ruts with new metal.

30. *By Mr. Chapman.*—The £1100 proposed for a road from Ulverstone to West Castra is in the Forth Road District? It is.

31. What is the length of that road? It is for completing several detached portions of the road, extending over between five and six miles.

32. Will that sum be sufficient to complete the work and leave the road in good order? It will.

33. Can you furnish the Committee with a return showing the total expenditure by the Government on that road? I can.

34. Can you give the Committee any information as to the work that the Road Trust have carried out on this road? I cannot say exactly, but probably a mile.

35. Is the vote for £300 for making the road from Hamilton-on-Forth to the Bridge over the Wilmot, the vote for £700 for making the road from the River Wilmot at Alma to Crown lands, and the vote for £1500 for a road from Hamilton-on-Forth to Kindred Plains all in the Forth Road District? They are.

36. What is the length of these roads? Eleven miles.

37. On receiving the telegram from the Minister of Lands and Works at Evandale station on Saturday, 10th instant, you returned by the next train to Launceston? I did.

38. At the time of your leaving Evandale for the Ringarooma District were you aware of any works requiring your immediate attendance, or were they of such a character as you might have postponed for ten days or a fortnight without injury or inconvenience to the Public Service? Several works certainly required immediate attendance, but I think they might have been put off for ten days or so in a case of urgent necessity.

39. *By Mr. Crowther.*—When you were on your way to Hobart on the 10th instant, had you finished your work as far as your instructions went? I had.

40. Is it your custom to report to the Minister of Lands prior to your return to town, and did you do so in the present instance? Rarely; and I did not do so in the present instance.

41. Do you always before leaving town receive official instructions as to the work you have to perform? The exception is the rule,—only in cases of special work.
42. How long had you been absent from Hobart on this occasion? About five weeks.
43. Is that about the usual time that you are absent on official inspection? The time varies from a week to three weeks. Five weeks is an extreme time, but little enough for the work on which I was engaged.
44. After an absence of five weeks would there not in the ordinary way be a considerable amount of work requiring your presence at the office? There would.
45. Was your return in this instance in the ordinary course merely for the purpose of resuming your duties at the office? Yes.
46. Did you consider it unusual to receive a telegram of this kind after an absence of five weeks? I did not, because my movements are often altered by telegrams.
47. Is it your duty to examine all plans and specifications before contracts are entered into? It is.
48. Is it that official work that requires a great part of your time to be spent in Hobart? I think out-door inspection is of more importance.
49. What responsible supervision have you over works in course of construction? Over important works a Sub-Inspector is in daily attendance, with frequent visits from the Inspector of the District, the whole being checked by occasional visits from myself.
50. Does any system obtain as to the continuous supervision of works in course of construction? Yes, practically so. On an important bridge the Sub-Inspector or Clerk is always present; in other cases he takes two or three closely adjacent works and attends to all at the same time.
51. *By Mr. Grubb.*—If you knew that the works which the Minister of Lands and Works had ordered you to inspect were urgent, why were you on your way to Hobart? Because, as I have explained, I thought it well to come to Hobart for a few days at all events, but chiefly because it was impossible for me to prepare my reports upon the work upon which I had been engaged without reference to plans and papers in the office.
52. *By Mr. Chapman.*—Will you inform the Committee upon what special works you were engaged in the Bischoff district? Inspecting lines of suggested road from Castra, Ulverstone, Penguin, Emu Bay, and Table Cape to Waratah, that is, five suggested lines of road from Bischoff to the Coast.
53. Were you able to go over each of those lines of road from end to end? Yes, with the exception of part of Castra.
54. Did you consider the season particularly favourable for making that personal inspection? I should have preferred the summer, as the lines of road were densely wooded and wet, and I had to camp in snow.
55. Have you made any official report of your inspection? I have not yet sent it in.
56. In the instructions you received, was the idea conveyed to you that it was urgently needed that you should make the inspection at that particular season of the year? When I understood that the work was urgent, I expressed my ready willingness to go.
57. From the information now in your possession, are you prepared to recommend to Parliament the adoption of either of these lines of roads without further personal examination? I have no doubt I can come to a decision, because my inspection was thorough.
58. Have you received any communication pressing for your report as urgent? Not up to the present time.
59. *By Mr. Cronther.*—With regard to the roads mentioned in the Schedule of the Branch Roads and Bridges Bill, were the sums proposed for the construction of those works on estimates, approximate or otherwise, recommended by you after personal examination? Principally so.
60. Are there any records as to the estimated cost of these works which the Committee can have access to? I have no doubt I can produce them.
61. *By Mr. Grubb.*—Previous to your receiving the telegram from the Minister of Lands and Works, had it come to your knowledge that your presence in Hobart was likely to be required by this Committee? I had heard of my being likely to be required.
62. Did you send any reply to the telegram? Yes; I told him in effect that I would attend to it at once, and start the first thing on the following Monday.
63. Did you receive any subsequent communication from the Minister of Lands, by letter or otherwise? Yes; it was an order to return as early as practicable as soon as I had finished inspecting the north-eastern districts.
64. What was the date of this telegram? It was dated September 17, and I received it at George Town the same day.
65. Was that the only communication? I received another at Launceston on the morning of the 20th, asking me on my arrival at Launceston on Monday from George Town to start by night train for Hobart, as I was urgently required. It was then too late, and I returned to Hobart by the express, and arrived last night.
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## APPENDIX A.

SECTIONS of "The Cross and Bye Roads Act, 1870," 33 Vict. No. 8, referred to in the foregoing Report.

*Construction of Roads.*

**49** The Trustees shall have the control and management of all Cross Roads within the Road District, and are hereby empowered to define, repair, maintain, improve, widen, divert, alter, make, construct, and fence in such Roads, in such manner as the Trustees from time to time determine, in accordance with their view of the wants and necessities of the Road District: Provided that no Road shall be made under the authority of this Act of a greater width than Sixty-six feet unless with the consent of the Owners of the Land on each side thereof.

*Road Rate.*

**79** It shall be lawful for the Trustees at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Rate, to be called the Road Rate, upon the annual value of the property within the Road District for the purpose of raising the necessary funds for carrying out in the Road District the several objects of this Act; and every such Road Rate, when received, shall form part of the moneys at the disposal of the Trustees for the purposes of this Act: Provided, that such Road Rate so to be made and levied shall not in any case exceed, in any One Year, the sum of One Shilling in the Pound upon the annual value of the property within the Road District.

*Loans.*

**99** If at any time it appears expedient to the Trustees to raise any sum by way of Loan, upon the security of any of the Tolls payable under this Act, or of a Special Rate, or both, for any of the purposes of this Act, the Trustees shall publish a Notice stating their intention to raise a Loan, with the amount of such proposed Loan, and the rate of interest to be paid in respect thereof, and the purposes to which it is intended to be applied, and also the amount of the Special Rate, if any, which it will be necessary to impose in order to provide for the reimbursement of such Loan within the period hereinafter prescribed, and convening a Meeting of the Landholders for the purpose of taking into consideration the expediency of raising such Loan, at a day, hour, and place to be named in such Notice, such day to be not less than Four Weeks nor more than Six Weeks from the date of the first publication of such Notice in the *Gazette*; and such Notice shall be published by being inserted for Four consecutive weeks in the *Gazette*, and at least once in each of such Four consecutive Weeks in a public newspaper published in the City or Town nearest to the place at which such Meeting is to be held; and at such Meeting of Landholders the Trustees shall propose the raising of such Loan, and also, if necessary, a Special Rate to be made for the reimbursement thereof with interest.

**100** It shall be lawful for the Landholders at any such Meeting, so convened as aforesaid, to authorise the Trustees to raise by way of Loan, upon the security of any of the Tolls payable under this Act, or of a Special Rate, or both, any sum of money not exceeding the amount mentioned in the Notice convening the Meeting as aforesaid, and also to make any Special Rate upon all property within the Road District not exceeding in amount the Special Rate stated in such Notice; and any Special Rate so authorised shall, when made, continue in force from year to year without being again made or published, until, but not after, the repayment of the amount so authorised to be raised, with interest thereon; and shall be payable at such times as may be appointed in the Notice of the making of the Rate published by the Trustees, and at the like times in each succeeding year, in respect of all such property for each year that it remains in force, and shall be a charge upon such property; and every such Special Rate shall be applied solely to the payment of such Loan and interest, and shall be of such an amount as to ensure the payment of such Loan and interest within Twenty-five years at the farthest from the time of raising such Loan: Provided, that the amount of Special Rate made or levied upon property within the Road District by virtue of this Section shall not exceed the sum of One Shilling in the Pound in any one year.

**101** Every such Special Rate shall be made and recoverable in the same manner, and shall be payable by the like persons, as any Road Rate under this Act.

## APPENDIX B.

*Colonial Secretary's Office, 13th September, 1881.*

SIR,

I DESIRE to acknowledge the receipt of your notice requesting me to attend the Select Committee on the Roads and Bridges Bills on Friday next, at 11.30 A.M.

I regret that the course of action adopted by the Legislative Council with reference to the appointment of a Select Committee on the Branch Roads Construction Bill was contrary to the practice hitherto observed in the Tasmanian Parliament, and in contravention of Rule 300 of the Standing Orders of the Council, which, by the 29th Section of the Constitutional Act, has the force of law. It appears to me, therefore, that the Committee has no *locus standi* to deal with the Bill committed to it by the Council.

I also beg to observe that, at the time the Committee was appointed I requested to be excused from serving on that Committee, as, in addition to the reasons already stated, I considered the appointment of a Select Committee on a Money Bill (if not beyond the legitimate powers vested in the Council by the Constitutional Act) was, at least, a serious reflection on the action of the Government, and therefore upon myself as one of its members.

I disclaim any intention to act discourteously towards the Committee, and for that reason I have addressed you this letter so that you may place the Committee in possession of my views on a question of much importance, if the time-honored rules and practice of Parliament are to be observed and carried out in their integrity.

I am,  
Sir,

Your obedient servant,

(Signed) WM. MOORE.

E. C. NOWELL, *Esq.*, Clerk of the Legislative Council.

FORWARDED for the information of the Committee immediately after receipt.

F. M. INNES.  
20th Sept. 1881.

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APPENDIX C.

THE Hon. the Minister of Lands and Works, in obedience to the wish of the Committee Legislative Council, has instructed me to wait upon them as requested, but in doing so desires me to protest against the action of the Committee in requiring my attendance to give evidence upon this occasion.

JAMES FINCHAM, *Engineer-in-Chief*,  
21 Sept. 1881.

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APPENDIX D.

Private—Urgent.

TELEGRAM for transmission to JAMES FINCHAM, Esq., Engineer-in-Chief, Launceston, Deloraine, Latrobe, Leven, or Emu Bay.

KINDLY let me know where you are. Remain at North West Coast looking after public works for a week longer, and make a thorough inspection there before you return, as there is no great urgency for your return just now. This course will save you an after visit there. If now in Launceston inspect works Main Road to Scottsdale and works in Upper Ringarooma District which require your attention. Do this before you return, and kindly attend to my request.

C. O'REILLY.

10 September, 1881.