

Sessional Papers

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 13 DECEMBER, 1910.

No. 1.

PARLIAMENTARY ELECTIONS AMENDMENT BILL (*Resolution*):—

Mr. Macdonell moved, That the Committee agree to the following Resolution,—

Resolved: That it is expedient to bring in a Bill to amend the Parliamentary Electorates and Elections Act, 1902, the Parliamentary Elections Act, 1906, and the Parliamentary Elections (Second Ballot) Act, 1910; and for other purposes.

Mr. Page moved,—That the Question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 37.

Mr. McGowen,	Mr. Lynch,
Mr. Nielsen,	Mr. Black,
Mr. Carmichael,	Mr. Burgess,
Mr. Macdonell,	Mr. Cochran,
Mr. Arthur Griffith,	Mr. McNeill,
Mr. Stuart-Robertson,	Mr. Page,
Mr. Holman,	Mr. Dunn,
Mr. Hollis,	Mr. Horne,
Mr. Treflé,	Mr. Mercer,
Mr. Keegan,	Mr. Cusack,
Mr. Scobie,	Mr. McGarry.
Mr. Edden,	<i>Tellers,</i>
Mr. Dooley,	Mr. Peters,
Mr. Meehan,	Mr. Dacey.
Mr. Kearsley,	
Mr. Gardiner,	
Mr. Minahan,	
Mr. John Storey,	
Mr. Harry Morton,	
Mr. Osborne,	
Mr. Thrower,	
Mr. Nicholson,	
Mr. Donaldson,	
Mr. G. A. Jones,	

Noes, 21.

Mr. Lee,
Mr. Wade,
Mr. Lonsdale,
Mr. Ball,
Mr. Latimer,
Colonel Onslow,
Mr. Perry,
Mr. Brinsley Hall,
Mr. McFarlane,
Mr. Hindmarsh,
Mr. Thomas,
Mr. Moxham,
Mr. Mark F. Morton,
Mr. Robson,
Mr. Cocks,
Dr. Arthur,
Mr. Brown,
Mr. Taylor,
Mr. W. Millard.
<i>Tellers,</i>
Mr. Price,
Mr. Gillies.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”—

Agreed to.

No. 2.

Same Resolution.

Question put, That the Committee agree to the Resolution.

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Committee

Committee divided.

Ayes, 38.

Mr. McGowen,	Mr. Black,
Mr. Nielsen,	Mr. Burgess,
Mr. Carmichael,	Mr. Cochran,
Mr. Macdonell,	Mr. McNeill,
Mr. Arthur Griffith,	Mr. Page,
Mr. Stuart-Robertson,	Mr. Dunn,
Mr. Holman,	Mr. Horne,
Mr. Hollis,	Mr. Mercer,
Mr. Treflé,	Mr. McGarry,
Mr. Edden,	Mr. Cusack,
Mr. Dooley,	Mr. Keegan,
Mr. Meehan,	Mr. Peters.
Mr. Kearsley,	<i>Tellers,</i>
Mr. Gardiner,	Mr. Osborne,
Mr. Minahan,	Mr. Scobie.
Mr. John Storey,	
Mr. Estell,	
Mr. Harry Morton,	
Mr. Thrower,	
Mr. Nicholson,	
Mr. Donaldson,	
Mr. G. A. Jones,	
Mr. Dacey,	
Mr. Lynch,	

Noes, 21.

Mr. Lee,
Mr. Wade,
Mr. Lonsdale,
Mr. Ball,
Mr. Latimer,
Colonel Onslow,
Mr. Perry,
Mr. Brinsley Hall,
Mr. McFarlane,
Mr. Hindmarsh,
Mr. Thomas,
Mr. Moxham,
Mr. Robson,
Mr. Cocks,
Dr. Arthur,
Mr. Taylor,
Mr. Price,
Mr. Gillies,
Mr. W. Millard.
<i>Tellers,</i>
Mr. Brown,
Mr. Mark F. Morton.

Agreed to.

On motion of Mr. Macdonell, the Chairman left the Chair to report that the Committee had come to a Resolution.

WEDNESDAY, 14 DECEMBER, 1910, a.m.

No. 3.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

The Estimates down to and including those under the Head "Public Instruction—Labour and "Industry," having been postponed, and those under the Head "Secretary for Mines," agreed to.

DEPARTMENT OF AGRICULTURE.

Agriculture.

Question proposed,—That there be granted to His Majesty a sum not exceeding £79,022 for Agriculture for the year 1910-11.

Mr. Peters moved,—That the Honorable Member for Waverley, Colonel Onslow, be not further heard.

Question put.

Committee divided.

Ayes, 33.

Mr. Arthur Griffith,	Mr. Nicholson,	Mr. John Storey,
Mr. Carmichael,	Mr. Burgess,	Mr. Horne,
Mr. Minahan,	Mr. Dooley,	Mr. McGarry,
Mr. Treflé,	Mr. McGowen,	Mr. Black,
Mr. Nielsen,	Mr. Cusack,	Mr. Page,
Mr. Peters,	Mr. Kearsley,	Mr. Dunn,
Mr. Keegan,	Mr. Macdonell,	Mr. Gardiner.
Mr. Edden,	Mr. Lynch,	<i>Tellers,</i>
Mr. Holman,	Mr. Mercer,	Mr. McNeill,
Mr. Estell,	Mr. Meehan,	Mr. Osborne.
Mr. Stuart-Robertson,	Mr. Cochran,	
Mr. G. A. Jones,	Mr. Thrower,	

Noes, 10.

Mr. Wade,
Mr. Perry,
Mr. Price,
Mr. Lonsdale,
Mr. Hindmarsh,
Mr. Gillies,
Mr. Hollis,
Mr. W. Millard.
<i>Tellers,</i>
Mr. Ball,
Colonel Onslow.

Agreed to.

No. 4.

Same Estimate.

Mr. Edden moved,—That the question be now put.

Question put,—"That the question be now put."

Committee divided.

Ayes, 34.

Mr. Arthur Griffith,	Mr. Kearsley,	Mr. Dunn,
Mr. Carmichael,	Mr. Macdonell,	Mr. Page,
Mr. Minahan,	Mr. Lynch,	Mr. Nicholson,
Mr. Treflé,	Mr. Mercer,	Mr. McNeill,
Mr. Nielsen,	Mr. Meehan,	Mr. G. A. Jones,
Mr. Peters,	Mr. Cochran,	Mr. Osborne,
Mr. Keegan,	Mr. Thrower,	Mr. Stuart-Robertson,
Mr. Edden,	Mr. John Storey,	Mr. Estell.
Mr. Holman,	Mr. Horne,	<i>Tellers,</i>
Mr. Dooley,	Mr. McGarry,	Mr. Burgess,
Mr. McGowen,	Mr. Black,	Mr. Hollis.
Mr. Gardiner,	Mr. Cusack,	

Noes, 9

Mr. Wade,
Mr. Perry,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. Hindmarsh,
Mr. W. Millard.
<i>Tellers,</i>
Mr. Lonsdale,
Mr. Gillies.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of "at least thirty Members,"—

Agreed to.

Estimate, Agriculture, agreed to.

And the Estimate, Forestry, having been agreed to,—

No. 5.

No. 5.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

STOCK AND BRANDS (PASTURES PROTECTION ACT).

Question proposed,—That there be granted to His Majesty a sum not exceeding £2,597 for Stock and Brands (Pastures Protection Act) for the year 1910-11.

Mr. Edden moved,—That the Honorable Member for Gloucester, Mr. Price, be not further heard.

Question put.

Committee divided.

Ayes, 31.

Mr. Arthur Griffith,	Mr. Estell,
Mr. Nielsen,	Mr. Carmichael,
Mr. Stuart-Robertson,	Mr. Osborne,
Mr. Edden,	Mr. McNeill,
Mr. Treflé,	Mr. Black,
Mr. Keegan,	Mr. Nicholson,
Mr. Holman,	Mr. Cochran,
Mr. G. A. Jones,	Mr. Horne,
Mr. Peters,	Mr. Page,
Mr. McGowen,	Mr. John Storey,
Mr. Macdonell,	Mr. Cusack,
Mr. Meehan,	Mr. Dunn,
Mr. Gardiner,	<i>Tellers,</i>
Mr. Dooley,	Mr. Burgess,
Mr. Kearsley,	Mr. Lynch,
Mr. Minahan,	
Mr. Mercer,	

Noes, 10.

Mr. Perry,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. Gillies,
Mr. Hollis,
Mr. Wade,
Mr. Lonsdale.
<i>Tellers,</i>
Mr. Brinsley Hall,
Mr. W. Millard.

Agreed to.

No. 6.

Same Estimate.

Question proposed,—“That the Estimate be agreed to.”

Mr. Edden moved,—That the Question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 33.

Mr. Arthur Griffith,	Mr. Gardiner,	Mr. Hollis,
Mr. Nielsen,	Mr. Dooley,	Mr. Lynch,
Mr. Stuart-Robertson,	Mr. Kearsley,	Mr. John Storey,
Mr. Edden,	Mr. Minahan,	Mr. Page,
Mr. Treflé,	Mr. Mercer,	Mr. Horne,
Mr. Keegan,	Mr. Estell,	Mr. Cochran,
Mr. Holman,	Mr. Carmichael,	Mr. Nicholson.
Mr. G. A. Jones,	Mr. Burgess,	<i>Tellers,</i>
Mr. Peters,	Mr. Osborne,	Mr. Dunn,
Mr. McGowen,	Mr. Thrower,	Mr. Cusack,
Mr. Macdonell,	Mr. McNeill,	
Mr. Meehan,	Mr. Black,	

Noes, 10.

Mr. Brinsley Hall,
Mr. Perry,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. Wade,
Mr. W. Millard,
Mr. Lonsdale.
<i>Tellers,</i>
Mr. Gillies,
Mr. J. C. L. Fitzpatrick.

And it appearing by the Tellers' Lists that the number in favour of the Motion, being a majority, consisted of “at least thirty Members,—”

Agreed to.

No. 7.

Same Estimate.

Question put,—That the Estimate be agreed to.

Committee divided.

Ayes, 34.

Mr. Arthur Griffith,	Mr. Dooley,	Mr. Cusack,
Mr. Nielsen,	Mr. Kearsley,	Mr. McNeill,
Mr. Stuart-Robertson,	Mr. Minahan,	Mr. Thrower,
Mr. Edden,	Mr. Mercer,	Mr. Osborne,
Mr. Treflé,	Mr. Estell,	Mr. Burgess,
Mr. Keegan,	Mr. Carmichael,	Mr. Lynch.
Mr. Holman,	Mr. Nicholson,	<i>Tellers,</i>
Mr. G. A. Jones,	Mr. Cochran,	Mr. Black,
Mr. Peters,	Mr. Horne,	Mr. Hollis.
Mr. McGowen,	Mr. Page,	
Mr. Macdonell,	Mr. John Storey,	
Mr. Meehan,	Mr. Dunn,	
Mr. Gardiner,	Mr. McGarry,	

Noes, 11.

Mr. Brinsley Hall,
Mr. J. C. L. Fitzpatrick,
Mr. Perry,
Mr. Hindmarsh,
Mr. Wade,
Mr. W. Millard,
Mr. Lonsdale,
Mr. Gillies,
Colonel Onslow.
<i>Tellers,</i>
Mr. Price,
Mr. Ball.

Estimates, Stock and Brands (Pastures Protection), agreed to.

No. 8.

STOCK AND BRANDS.

Question put,—That there be granted to His Majesty a sum not exceeding £23,905 for Stock and Brands Branch for the year 1910-11.

Committee divided.

Ayes, 34.

Mr. Arthur Griffith,	Mr. Gardiner,	Mr. Nicholson,
Mr. Nielsen,	Mr. Dooley,	Mr. Cochran,
Mr. Stuart-Robertson,	Mr. Kearsley,	Mr. Horne,
Mr. Edden,	Mr. Minahan,	Mr. Page,
Mr. Treflé,	Mr. Mercer,	Mr. John Storey,
Mr. Keegan,	Mr. Estell,	Mr. Lynch,
Mr. Holman,	Mr. Carmichael,	Mr. Dunn,
Mr. G. A. Jones,	Mr. Hollis,	Mr. Cusack.
Mr. Peters,	Mr. Burgess,	<i>Tellers,</i>
Mr. McGowen,	Mr. Osborne,	Mr. Thrower,
Mr. Macdonell,	Mr. Black,	Mr. McGarry.
Mr. Meehan,	Mr. McNeill,	

Noes, 10.

Mr. Brinsley Hall,
Mr. J. C. L. Fitzpatrick,
Mr. Perry,
Mr. Price,
Colonel Onslow,
Mr. Lonsdale,
Mr. Wade,
Mr. Hindmarsh.
<i>Tellers,</i>
Mr. W. Millard.
Mr. Gillies.

Estimate, Stock and Brands, agreed to.

No. 9.

No. 9.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

BOTANIC GARDENS.

Question proposed,—That there be granted to His Majesty a sum not exceeding £11,245 for Botanic Gardens for the year 1910-11.

Mr. Holman moved,—That the Question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 34.

Mr. Arthur Griffith,	Mr. Hollis,
Mr. Nielson,	Mr. Burgess,
Mr. Stuart-Robertson,	Mr. Osborne,
Mr. Edden,	Mr. Thrower,
Mr. Treflé,	Mr. Black,
Mr. Keegan,	Mr. McNeill,
Mr. Holman,	Mr. Nicholson,
Mr. G. A. Jones,	Mr. Horne,
Mr. Peters,	Mr. Page,
Mr. Macdonell,	Mr. John Storey,
Mr. McGowen,	Mr. Lynch,
Mr. Meehan,	Mr. Dunn,
Mr. Gardiner,	Mr. Cusack,
Mr. Dooley,	Mr. McGarry,
Mr. Kearsley,	
Mr. Minahan,	<i>Tellers,</i>
Mr. Estell,	Mr. Cochran,
Mr. Carmichael,	Mr. Mercer.

Noes, 10.

Mr. Brinsley Hall,
Mr. W. Millard,
Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Price,
Mr. Ball,
Mr. Hindmarsh,
Mr. Gillies.

Tellers,

Mr. Lonsdale,
Colonel Onslow.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members,”—

Agreed to.

Estimate, Botanic Gardens, agreed to.

No. 10.

NURSERY GARDEN, CAMPBELLTOWN.

Question proposed,—That there be granted to His Majesty a sum not exceeding £1,073 for Nursery Garden, Campbeltown, for the year 1910-11.

Mr. Nielsen moved,—That the question be now put.

Question put,—“That the question be now put.”

Committee divided.

Ayes, 33.

Mr. Arthur Griffith,	Mr. McNeill,	Mr. Carmichael,
Mr. Stuart-Robertson,	Mr. McGarry,	Mr. Gardiner,
Mr. Edden,	Mr. Lynch,	Mr. Kearsley,
Mr. Nielson,	Mr. Dunn,	Mr. Dooley,
Mr. Treflé,	Mr. Cusack,	Mr. Meehan,
Mr. Holman,	Mr. John Storey,	Mr. Macdonell,
Mr. Peters,	Mr. Page,	Mr. McGowen.
Mr. Mercer,	Mr. Horne,	<i>Tellers,</i>
Mr. Hollis,	Mr. Cochran,	Mr. Keegan,
Mr. Osborne,	Mr. Nicholson,	Mr. G. A. Jones.
Mr. Thrower,	Mr. Estell,	
Mr. Black,	Mr. Minahan,	

Noes, 9.

Mr. Brinsley Hall,
Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Ball,
Mr. W. Millard,
Mr. Hindmarsh,
Mr. Gillies.

Tellers,

Mr. Price,
Colonel Onslow.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members,”—

Agreed to.

Estimate, Nursery Garden, Campbeltown, agreed to.

No. 11.

GARDEN PALACE GROUNDS.

Question proposed,—That there be granted to His Majesty a sum not exceeding £1,759 for Garden Palace Grounds for the year 1910-11.

Mr. Edden moved,—That the question be now put.

Question put,—“That the question be now put.”

Committee divided.

Ayes, 34.

Mr. Edden,	Mr. Gardiner,
Mr. Stuart-Robertson,	Mr. Carmichael,
Mr. Macdonell,	Mr. Kearsley,
Mr. Arthur Griffith,	Mr. Minahan,
Mr. Nielson,	Mr. Estell,
Mr. Treflé,	Mr. Nicholson,
Mr. Keegan,	Mr. Cochran,
Mr. Holman,	Mr. Horne,
Mr. McGowen,	Mr. Page,
Mr. Peters,	Mr. John Storey,
Mr. Mercer,	Mr. Lynch,
Mr. Hollis,	Mr. Dunn,
Mr. Burgess,	Mr. McGarry,
Mr. Thrower,	Mr. Cusack.
Mr. Black,	<i>Tellers,</i>
Mr. G. A. Jones,	Mr. McNeill,
Mr. Meehan,	Mr. Osborne.
Mr. Dooley,	

Noes, 10.

Mr. Brinsley Hall,
Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Price,
Colonel Onslow,
Mr. Gillies,
Mr. Hindmarsh,
Mr. W. Millard.

Tellers,

Mr. Lonsdale,
Mr. Ball.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members,”—

Agreed to.

Estimate, Garden Palace Grounds, agreed to.

And the Estimates Government Domain (Outer) and Centennial Park having been agreed to,—

No. 12.

No. 12.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

EXPORTS AND COLD STORAGE.

Question proposed.—That there be granted to His Majesty a sum not exceeding £1,190 for Exports and Cold Storage for the year 1910-11.

Mr. Macdonell moved.—That the question be now put.

Question put.—“That the question be now put.”

Committee divided.

Ayes, 34.

Mr. Edden,	Mr. Estell,
Mr. Stuart-Robertson,	Mr. McNeill,
Mr. Macdonell,	Mr. Nicholson,
Mr. Arthur Griffith,	Mr. Horne,
Mr. Nielsen,	Mr. John Storey,
Mr. Treflé,	Mr. Lynch,
Mr. Keegan,	Mr. Dunn,
Mr. Holman,	Mr. Hollis,
Mr. G. A. Jones,	Mr. Burgess,
Mr. Peters,	Mr. Osborne,
Mr. Mercer,	Mr. Thrower,
Mr. McGowen,	Mr. Black,
Mr. Meehan,	Mr. McGarry,
Mr. Dooley,	Mr. Cusack.
Mr. Gardiner,	
Mr. Carmichael,	<i>Tellers,</i>
Mr. Kearsley,	Mr. Page,
Mr. Minahan,	Mr. Cochran.

Noes, 9.

Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. Lonsdale,
Mr. W. Millard.

Tellers,

Mr. Hindmarsh,
Mr. Gillies.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”—

Agreed to.

Estimate Exports and Cold Storage, agreed to.

No. 13.

COMMERCIAL AGENTS.

Question proposed.—That there be granted to His Majesty a sum not exceeding £3,150 for Commercial Agents for the year 1910-11.

Mr. Holman moved.—That the Question be now put.

Question put.—“That the question be now put.”

Committee divided.

Ayes, 34.

Mr. Edden,	Mr. Meehan,	Mr. Black,
Mr. Stuart-Robertson,	Mr. Dooley,	Mr. Nicholson,
Mr. Macdonell,	Mr. Gardiner,	Mr. Cochran,
Mr. Arthur Griffith,	Mr. Carmichael,	Mr. Horne,
Mr. Nielsen,	Mr. Kearsley,	Mr. Lynch,
Mr. Treflé,	Mr. Minahan,	Mr. Dunn,
Mr. Keegan,	Mr. Estell,	Mr. McGarry,
Mr. Holman,	Mr. McNeill,	Mr. Cusack.
Mr. G. A. Jones,	Mr. Hollis,	
Mr. Peters,	Mr. Burgess,	<i>Tellers,</i>
Mr. Mercer,	Mr. Osborne,	Mr. John Storey,
Mr. McGowen,	Mr. Thrower,	Mr. Page.

Noes, 9.

Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. W. Millard,
Mr. Lonsdale.

Tellers,

Mr. Gillies,
Mr. Hindmarsh.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”—

Agreed to.

Estimate Commercial Agents, agreed to.

No. 14.

MISCELLANEOUS SERVICES:—

Question proposed.—That there be granted to His Majesty a sum not exceeding £24,314 for Miscellaneous Services for the year 1910-11.

Mr. Treflé moved.—That the Question be now put.

Question put.—“That the Question be now put.”

Committee divided.

Ayes, 34.

Mr. Edden,	Mr. Dooley,
Mr. Stuart-Robertson,	Mr. Gardiner,
Mr. Macdonell,	Mr. Carmichael,
Mr. Arthur Griffith,	Mr. Estell,
Mr. Nielsen,	Mr. McNeill,
Mr. Treflé,	Mr. Nicholson,
Mr. Keegan,	Mr. Cochran,
Mr. Holman,	Mr. Page,
Mr. G. A. Jones,	Mr. Horne,
Mr. Peters,	Mr. John Storey,
Mr. Mercer,	Mr. Lynch,
Mr. Hollis,	Mr. Dunn,
Mr. Burgess,	Mr. Cusack,
Mr. Osborne,	Mr. McGarry.
Mr. Thrower,	
Mr. Black,	<i>Tellers,</i>
Mr. McGowen,	Mr. Minahan,
Mr. Meehan,	Mr. Kearsley.

Noes, 9.

Mr. Perry,
Mr. J. C. L. Fitzpatrick,
Mr. Price,
Mr. Ball,
Colonel Onslow,
Mr. Gillies,
Mr. Hindmarsh.

Tellers,

Mr. W. Millard,
Mr. Lonsdale.

And it appearing by the Tellers' Lists that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”—

Agreed to.

Estimate Miscellaneous Services, agreed to.

On motion of Mr. Treflé, Mr. Scobie, Temporary Chairman, left the Chair to report progress and ask leave to sit again.

THURSDAY,

THURSDAY, 15 DECEMBER, 1910, A.M.

No. 15.

VICTORIA AND RUSHCUTTERS BAY PARKS BILL (*Further considered*) :—

Clause 3. The Municipal Council of Sydney are hereby appointed trustees of the lands described in Schedule One, "and in Part I of Schedule Two," with the same powers and estate in the said lands, and subject to the same limitations as if the appointment were made under the provisions of the Public Parks Act, 1902. [*Further considered.*]

Amendment (*Mr. Levy*) to leave out from line 2 the words "and in Part I of Schedule Two," further considered.

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 37.

Mr. McGowen,	Mr. Latimer,
Mr. Beeby,	Mr. Osborne,
Mr. Nielsen,	Mr. Cochran,
Mr. Carmichael,	Mr. Morrish,
Mr. Holman,	Mr. Stuart-Robertson,
Mr. Hoyle,	Mr. Burgess,
Mr. Treflé,	Mr. McNeill,
Mr. Macdonell,	Mr. Horne,
Mr. Edden,	Mr. Bruntnell,
Mr. G. R. W. McDonald,	Mr. McGarry,
Mr. Minahan,	Mr. Mercer,
Mr. Gardiner,	Mr. Page,
Mr. Keegan,	Mr. John Storey,
Mr. Kearsley,	Mr. Cusack,
Mr. Grahame,	Mr. Meehan.
Mr. Nicholson,	
Mr. Estell,	<i>Tellers,</i>
Mr. Dacey,	Mr. Peters,
Mr. Thrower,	Mr. Hollis.
The Rev. T. S. Crawford,	

Words stand.

Clause, as read, agreed to.

And clause 4 and the Schedules having been agreed to,—

On motion of Mr. Nielsen, Mr. Scobie, Temporary Chairman, left the Chair to report the Bill, without amendment, to the House.

Noes, 26.

Mr. Brinsley Hall,	Mr. Ball,
Mr. Mark F. Morton,	Mr. G. A. Jones,
Mr. Wade,	Mr. W. Millard,
Mr. Robson,	Colonel Onslow.
Mr. Wood,	
Mr. Perry,	<i>Tellers,</i>
Mr. Levy,	Mr. Gillier,
Mr. J. C. L. Fitzpatrick,	Mr. Downes.
Mr. Cohen,	
Mr. Hindmarsh,	
Mr. Taylor,	
Mr. Brown,	
Mr. Lee,	
Mr. James,	
Dr. Arthur,	
Mr. Moxham,	
Mr. Henley,	
Mr. Parkes,	
Mr. Hunt,	
Mr. Lonsdale,	

THURSDAY, 15 DECEMBER, 1910.

No. 16.

PARLIAMENTARY ELECTIONS (AMENDMENT) BILL—(*Further considered*) :—

Clauses 1 and 2 having been agreed to,—

Qualifications of voters.

Clause 3. (1) Section twenty-one of the Principal Act is amended as follows :—

(a) in subsection one after the expression "natural born subject," and after the expression "naturalised subject," insert the words "who has resided or had his principal place of abode within the Commonwealth of Australia for a continuous period of six months, and"

(b) In the same subsection omit "one year" wherever occurring, insert "three months"; omit "three months" insert "one month." In the same subsection after "New South Wales" where secondly occurring insert "both such periods being."

(c) Repeal subsection three.

(d) In subsection four, omit paragraph (b).

(2) Paragraph (a) of section nineteen of the Act of 1910 is repealed. [*Read.*]

Motion made (*Mr. Cohen*) to leave out paragraph (a).

Question proposed,—That the words proposed to be left out stand part of the clause.

On motion of Mr. Macdonell, the Chairman left the Chair to report progress and ask leave to sit again at a later hour of the day.

(*At a later Hour of the Day.*)

Question again proposed,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 38.

Mr. Edden,	Mr. McNeill,
Mr. Macdonell,	Mr. Carmichael,
Mr. McGowen,	Mr. Hollis,
Mr. Nielsen,	Mr. Estell,
Mr. Holman,	Mr. Arthur Griffith,
Mr. Beeby,	Mr. Burgess,
Mr. Grahame,	Mr. Stuart-Robertson,
Mr. Treflé,	Mr. Henry Willis,
Mr. Minahan,	Mr. Peters,
The Rev. T. S. Crawford,	Mr. G. R. W. McDonald,
Mr. Dacey,	Mr. John Storey,
Mr. Scobie,	Mr. McGarry,
Mr. Morrish,	Mr. Mercer,
Mr. Kearsley,	Mr. Page,
Mr. Meehan,	Mr. Cusack,
Mr. Kelly,	Mr. Gardiner.
Mr. Cochran,	
Mr. Nicholson,	<i>Tellers,</i>
Mr. Gus. Miller,	Mr. Osborne,
Mr. Keegan,	Mr. G. A. Jones,

Words stand.

Noes, 28.

Mr. Lee,	Mr. McCourt,
Mr. James,	Mr. Moxham,
Mr. Wade,	Mr. Gillies,
Mr. Robson,	Mr. Thomas,
Mr. Wood,	Mr. Lonsdale,
Mr. J. C. L. Fitzpatrick,	Mr. W. Millard.
Colonel Onslow,	
Mr. Levy,	<i>Tellers,</i>
Mr. Perry,	Mr. Mark F. Morton,
Mr. Hindmarsh,	Mr. Ball.
Mr. Henley,	
Mr. Latimer,	
Mr. Waddell,	
Mr. Bruntnell,	
Mr. Parkes,	
Dr. Arthur,	
Mr. Brinsley Hall,	
Mr. Hunt,	
Mr. McFarlane,	
Mr. Foll,	

No. 17.

Municipal Council of Sydney to be trustees for certain lands.

Amendment of s. 21 of Principal Act.

Amendment of s. 19 of the Act of 1910.

No. 17.

SAME BILL.

*Same clause.*Motion made (*Mr. Wade*) to leave out paragraph (*b*).

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 39.

Mr. Macdonell,	Mr. McGarry,
Mr. Edden,	Mr. Keegan,
Mr. McGowen,	Mr. McNeill,
Mr. Nielsen,	Mr. Estell,
Mr. Holman,	Mr. John Storey,
Mr. Beeby,	Mr. Gus. Miller,
Mr. Grahame,	Mr. Nicholson,
Mr. Treflé,	Mr. Gardiner,
Mr. Dacey,	Mr. Cochran,
Mr. Scobie,	Mr. Kelly,
Mr. Carmichael,	Mr. Meehan,
Mr. Hollis,	Mr. Kearsley,
Mr. G. A. Jones,	Mr. Morrish,
Mr. Osborne,	Mr. Cusack,
Mr. Arthur Griffith,	Mr. Page,
Mr. Burgess,	Mr. Mercer.
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Henry Willis,	Mr. Minahan,
Mr. Peters,	Mr. G. R. W. McDonald,
Mr. G. R. W. McDonald,	The Rev. T. S. Crawford.
Mr. Black,	

Noes, 29.

Mr. Lee,	Mr. Ball,
Mr. James,	Mr. Fell,
Mr. Wade,	Mr. McCourt,
Mr. Wood,	Mr. Moxham,
Mr. J. C. L. Fitzpatrick,	Mr. W. Millard,
Colonel Onslow,	Mr. Lonsdale.
Mr. Levy,	<i>Tellers,</i>
Mr. Perry,	Mr. Brinsley Hall,
Mr. Price,	Mr. Robson.
Mr. Hindmarsh,	
Mr. Henley,	
Mr. Latimer,	
Mr. Waddell,	
Mr. Bruntnell,	
Mr. Parkes,	
Mr. Hunt,	
Dr. Arthur,	
Mr. McFarlane,	
Mr. Gillies,	
Mr. Thomas,	
Mr. Mark F. Morton,	

Words stand.

And the clause having been amended, as indicated,—

No. 18.

SAME BILL.

*Same clause.*Motion made (*Mr. Wade*) to leave out paragraph (*d*).

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 40.

Mr. Beeby,	Mr. Cochran,
Mr. Edden,	Mr. Horne,
Mr. Treflé,	Mr. McNeill,
Mr. Macdonell,	Mr. Nicholson,
Mr. Thrower,	Mr. Gus. Miller,
Mr. Nielsen,	Mr. Morrish,
Mr. G. A. Jones,	Mr. John Storey,
Mr. Scobie,	Mr. Burgess,
Mr. Minahan,	Mr. Gardiner,
Mr. Hollis,	Mr. Grahame,
Mr. Dunn,	Mr. Estell,
Mr. Osborne,	Mr. Meehan,
Mr. Arthur Griffith,	Mr. Dooley,
Mr. Peters,	Mr. Kearsley,
Mr. G. R. W. McDonald,	Mr. Dacey,
Mr. Puge,	Mr. Hoyle,
Mr. Cusack,	Mr. Carmichael.
Mr. Mercer,	<i>Tellers,</i>
Mr. Stuart-Robertson,	Mr. Keegan,
The Rev. T. S. Crawford,	Mr. Kelly.
Mr. McGarry,	

Noes, 36.

Mr. Lee,	Mr. Gillies,
Mr. Perry,	Mr. Downes,
Mr. Wade,	Mr. Latimer,
Mr. Cohen,	Mr. Hunt,
Mr. Robson,	Mr. Lonsdale,
Dr. Arthur,	Mr. Moxham,
Mr. Levy,	Mr. J. C. L. Fitzpatrick,
Mr. Wood,	Mr. Parkes,
Mr. Waddell,	Mr. McFarlane,
Mr. John Miller,	Mr. Brown,
Mr. Fell,	Mr. Henley,
Mr. David Storey,	Mr. Brinsley Hall,
Mr. McLaurin,	Mr. Hindmarsh.
Mr. Thomas,	<i>Tellers,</i>
Mr. Mark F. Morton,	Mr. Harry Morton,
Mr. Ball,	Mr. James.
Mr. Taylor,	
Mr. Bruntnell,	
Mr. W. Millard,	
Mr. Cocks,	
Colonel Onslow,	

Words stand.

No. 19.

SAME BILL.

Same clause.

Question put,—That the clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 43.

Mr. Edden,	Mr. Cusack,
Mr. Carmichael,	Mr. Peters,
Mr. Treflé,	Mr. Harry Morton,
Mr. Beeby,	Mr. Hollis,
Mr. Thrower,	Mr. J. C. L. Fitzpatrick,
Mr. Arthur Griffith,	Mr. McGarry,
Mr. G. A. Jones,	Mr. John Storey,
Mr. Nielsen,	The Rev. T. S. Crawford,
Mr. Hoyle,	Mr. Nicholson,
Mr. Scobie,	Mr. Gus. Miller,
Mr. Gardiner,	Mr. Dacey,
Mr. Grahame,	Mr. Holman,
Mr. Meehan,	Mr. Stuart-Robertson,
Mr. Dooley,	Mr. Cochran,
Mr. Kearsley,	Mr. Mercer,
Mr. Horne,	Mr. McNeill,
Mr. Minahan,	Mr. Page,
Mr. Estell,	Mr. G. R. W. McDonald.
Mr. Macdonell,	<i>Tellers,</i>
Mr. Kelly,	Mr. Morrish,
Mr. Osborne,	Mr. Burgess.
Mr. Keegan,	
Mr. Dunn,	

Noes, 32.

Mr. Lee,	Mr. Ball,
Mr. Cocks,	Mr. Fell,
Mr. Wade,	Mr. Bruntnell,
Mr. Robson,	Dr. Arthur,
Mr. Cohen,	Mr. Downes,
Mr. Wood,	Mr. W. Millard,
Mr. Levy,	Mr. Mark F. Morton.
Mr. James,	<i>Tellers,</i>
Mr. Waddell,	Mr. Gillies,
Mr. John Miller,	Mr. Hindmarsh.
Mr. Henley,	
Mr. Brinsley Hall,	
Mr. Brown,	
Mr. McFarlane,	
Mr. Parkes,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Latimer,	
Mr. Perry,	
Mr. McLaurin,	
Colonel Onslow,	
Mr. Lonsdale,	
Mr. Taylor,	

Agreed to.

No. 20.

No. 20.

SAME BILL.

Amendment of
Schedule Five
of the Act
of 1906.

Clause 4. Schedule Five to the Act of 1906 is amended—

“(a) by omitting paragraph three and inserting the following:—

“3. I have resided or had my principal place of abode immediately prior to the
“date of this claim—“for six months in the Commonwealth of Australia; and for three months in
“New South Wales; and

“for one month in the electoral district of

“In the case of a naturalised subject add “any such residence was after my
“naturalisation”;(b) by omitting the words “and that I am satisfied that the statements therein
“contained are true”;

(c) by omitting the note inserted after the signature of the claimant. [Read.]

Motion made (Mr. Wade) to leave out paragraph (a).

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 42.

Mr. Nielsen,	Mr. Gardiner,
Mr. Treflé,	Mr. Hollis,
Mr. Carmichael,	Mr. Holman,
Mr. Macdonell,	Mr. Dacey,
Mr. Dooley,	Mr. Gus. Miller,
Mr. Beeby,	Mr. Nicholson,
Mr. G. A. Jones,	The Rev. T. S. Crawford,
Mr. Thrower,	Mr. Arthur Griffith,
Mr. Scobie,	Mr. Horne,
Mr. Kelly,	Mr. McGarry,
Mr. Mercer,	Mr. Osborne,
Mr. Keegan,	Mr. Stuart-Robertson,
Mr. Morrish,	Mr. Cochran,
Mr. Cusack,	Mr. G. R. W. McDonald,
Mr. Peters,	Mr. John Storey,
Mr. Harry Morton,	Mr. Burgess,
Mr. Edden,	Mr. Page,
Mr. Estell,	Mr. McNeill.
Mr. Minahan,	
Mr. Kearsley,	<i>Tellers,</i>
Mr. Meohan,	Mr. Dunn,
Mr. Grahame,	Mr. Hoyle.

Words stand.

Noes, 32.

Mr. Lee,	Colonel Onslow,
Mr. Perry,	Mr. Lonsdale,
Mr. Wade,	Mr. Downes,
Mr. Robson,	Mr. Mark F. Morton,
Mr. Cohen,	Mr. Fell,
Mr. Wood,	Mr. Cocks,
Mr. Levy,	Mr. Hindmarsh,
Mr. James,	Mr. W. Millard.
Mr. Waddell,	<i>Tellers,</i>
Mr. John Miller,	Mr. Ball,
Mr. Henley,	Mr. Taylor.
Mr. Brinsley Hall,	
Mr. Brown,	
Mr. McFarlane,	
Mr. Parkes,	
Dr. Arthur,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Latimer,	
Mr. Bruntnell,	
Mr. Gillies,	
Mr. McLaurin,	

And the Committee continuing to sit after Midnight,—

FRIDAY, 16 DECEMBER, 1910, A.M.

Clause, as read, agreed to.

And clauses 5 to 11 having been dealt with,—

No. 21.

SAME BILL.

Amendment
of s. 76 of
Principal
Act.Clause 12. Section seventy-six of the Principal Act is amended by substituting “eight” for
“six.” [Read.]

Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 37.

Mr. Carmichael,	Mr. McNeill,
Mr. Macdonell,	Mr. Horne,
Mr. Nielsen,	Mr. John Storey,
Mr. Treflé,	Mr. G. R. W. McDonald,
Mr. Dacey,	Mr. Kelly,
Mr. Holman,	Mr. Cochran,
Mr. Keegan,	Mr. Page,
Mr. Dooley,	Mr. Cusack,
Mr. Meehan,	Mr. Osborne,
Mr. Gardiner,	Mr. Mercer,
Mr. Kearsley,	Mr. G. A. Jones,
Mr. Nicholson,	Mr. Dunn,
Mr. Gus. Miller,	Mr. Morrish,
Mr. Peters,	Mr. Thrower,
Mr. Hollis,	Mr. Minahan.
Mr. Estell,	<i>Tellers,</i>
Mr. Grahame,	Mr. Hoyle,
Mr. McGarry,	The Rev. T. S. Crawford.
Mr. Burgess,	
Mr. Bruntnell,	

Agreed to.

And clauses 13 to 15 having been agreed to,—

Noes, 28.

Mr. Lee,	Mr. Moxham,
Mr. James,	Mr. Lonsdale,
Mr. Wade,	Mr. W. Millard,
Mr. Cohen,	Mr. Gillies,
Dr. Arthur,	Mr. McLaurin,
Mr. Wood,	Mr. Ball.
Mr. Perry,	<i>Tellers,</i>
Mr. Levy,	Mr. Hindmarsh,
Mr. Latimer,	Mr. Taylor.
Mr. Brinsley Hall,	
Mr. Hunt,	
Mr. McFarlane,	
Mr. Mark F. Morton,	
Mr. Henley,	
Mr. J. C. L. Fitzpatrick,	
Colonel Onslow,	
Mr. Waddell,	
Mr. Fell,	
Mr. Brown,	
Mr. Parkes,	

No. 22.

Absent voters.

Clause 16. (1) An absent elector who on polling-day is absent from the electoral district for which he is enrolled may, subject to the following provisions, vote at any polling-place in any other electorate: Voting outside district.

- (a) The elector must state his name, and place of residence in the electoral district for which he is qualified to vote, together with his occupation therein.
- (b) The returning officer or deputy may, if he thinks fit, and at the request of any scrutineer shall put to the elector any of the questions prescribed by section fifty-one of the Act of 1906 which are applicable to the case.
- (c) If the elector answers the questions satisfactorily, or if no questions are put to him, he may be allowed to vote as an absent voter upon making a declaration in the form of Schedule Two hereto.
- (d) The form of declaration may be printed or written on an envelope addressed to the returning officer for the district for which the elector is enrolled, and must, after being filled in, be signed by the elector in his own handwriting in the presence of the returning officer or deputy, and completed and attested by him.
- (e) After the declaration has been made, the returning officer or deputy shall hand to the elector a ballot-paper. The form of the ballot-paper may be prescribed. Each ballot-paper shall be signed on the back by the returning officer or deputy.
- (f) The names of the candidates shall be placed on absent voters' ballot-papers in the same manner as on ordinary ballot-papers, except that the names may be either printed or written.
- (g) The elector, after receiving the ballot-paper shall without delay retire alone into an unoccupied compartment of the polling-booth, and there in private mark his vote on the ballot-paper, and shall then fold and fasten the ballot-paper so that the vote cannot be seen without unfastening it, and at once return the ballot-paper so fastened to the returning officer or deputy before whom he made the declaration, and shall again state his name if so required by the returning officer or deputy.
- (h) The returning officer or deputy shall then, in the presence of the elector, forthwith enclose the ballot-paper in the envelope bearing the declaration of the elector and securely fasten the envelope.

(2.) If the returning officer or deputy is unable to supply the elector with a printed or written ballot-paper, he shall, after the declaration has been made by the elector in pursuance of paragraph (d) of the last preceding subsection, supply the elector with a blank paper in the form of schedule three signed by him on the back.

The elector, on receiving such paper, shall thereupon without delay retire alone into an unoccupied compartment of the polling-booth, and there in private write on the said paper the name of the candidate for whom he votes, and fold and fasten such paper as above prescribed in respect of a ballot-paper.

The said paper shall thereafter be dealt with as a ballot-paper, and the paper, if otherwise in order, shall be treated as a vote in favour of the candidate whose name is written thereon.

(3.) If any person makes any such declaration knowing that the same is untrue in any material particular he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

(4.) ~~Section forty-nine of the Act of 1906 is repealed.~~ [Read.]

Motion made (*Mr. Wade*) to insert at commencement of clause the words,—

An elector who has reason to believe that he will not, during the hours of polling on polling-day, be within five miles of any polling-place for the district for which he is enrolled, may make application for a voting permit, authorising him to record his vote outside the district. Application for absent voter's certificate and ballot-paper.

Application may be made in the prescribed form, and must be signed by the elector in his own handwriting in the presence of an authorised witness, and must be made and sent, together with the declaration of the authorised witness, after the issue of a writ for an election, and within seven days before the polling-day for an election, to the returning officer for the district for which the applicant elector is enrolled.

The applicant must state in the application his reason for his belief.

Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 27.

Mr. Moxham,	Mr. Henley,
Dr. Arthur,	Mr. Parkes,
Mr. Wood,	Mr. McFarlane,
Mr. Wade,	Mr. Gidies,
Mr. Cohen,	Mr. W. Millard.
Mr. J. C. L. Fitzpatrick,	<i>Tellers,</i>
Mr. Levy,	
Mr. Bruatnell,	Mr. Ball,
Mr. Lee,	Mr. Hindmarsh.
Mr. Lonsdale,	
Mr. Hunt,	
Mr. James,	
Mr. Brinsley Hall,	
Mr. Mark F. Morton,	
Mr. Waddell,	
Mr. Perry,	
Mr. Latimer,	
Colonel Onslow,	
Mr. Taylor,	
Mr. Brown,	

Noes, 37.

Mr. Beeby,	Mr. Peters,
Mr. Keegan,	Mr. Burgess,
Mr. Estell,	Mr. John Storey,
Mr. Treffe,	Mr. Grahame,
Mr. Hoyle,	Mr. Cochran,
Mr. Nielsen,	Mr. Carmichael,
The Rev. T. S. Crawford,	Mr. Horne,
Mr. Hollis,	Mr. G. R. W. McDonald,
Mr. Osborne,	Mr. G. A. Jones,
Mr. Dacey,	Mr. McNeill,
Mr. Thrower,	Mr. McGarry,
Mr. Morrish,	Mr. Dunn,
Mr. Mercer,	Mr. Page,
Mr. Dooley,	Mr. Cusack,
Mr. Kearsley,	Mr. Gus. Miller.
Mr. Macdonell,	<i>Tellers,</i>
Mr. Edden,	
Mr. Meehan,	Mr. Stuart-Robertson,
Mr. Gardiner,	Mr. Minahan.
Mr. Nicholson,	

Insertion of proposed words negatived.

And the clause having been amended as indicated,—

Clause, as amended, agreed to.

And the remaining clauses, the Schedule, and several new clauses having been dealt with,—

On motion of Mr. Nielsen, Mr. Scobie, Temporary Chairman, left the Chair to report the Bill with amendments to the House.

No. 23.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

Mr. McGowen moved,—That the Estimates under the Heads "Secretary for Lands," "Secretary for Public Works," and "Public Instruction, Labour and Industry," be further postponed.

Question put.

Committee divided.

Ayes, 40.

Mr. Arthur Griffith,	Mr. Horné,
Mr. Dacey,	Mr. G. R. W. McDonald,
Mr. McGowen,	Mr. Dunn,
Mr. Nielsen,	Mr. John Storey,
Mr. Beeby,	Mr. G. A. Jones,
Mr. Carmichael,	The Rev. T. S. Crawford,
Mr. Thrower,	Mr. Peters,
Mr. Hoyle,	Mr. Page,
Mr. Estell,	Mr. Mechan,
Mr. Minahan,	Mr. Nicholson,
Mr. Hollis,	Mr. Morrish,
Mr. Grahame,	Mr. Kearsley,
Mr. McGarry,	Mr. Holman,
Mr. Osborne,	Mr. Dooley,
Mr. Stuart-Robertson,	Mr. Meagher,
Mr. Cochran,	Mr. McNeill,
Mr. Cusack,	Mr. Edden.
Mr. Mercer,	<i>Tellers,</i>
Mr. Gus. Miller,	Mr. Keegan,
Mr. Gardiner,	Mr. Burgess.
Mr. McLaurin,	

Noes, 27.

Mr. Bruntnell,	Mr. Taylor,
Mr. Cohen,	Mr. Hindmarsh,
Mr. Wade,	Mr. Hunt,
Mr. Waddell,	Mr. W. Millard.
Mr. Wood,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Lonsdale,
Colonel Onslow,	Mr. Gillies.
Mr. Moxham,	
Mr. Ball,	
Mr. Henley,	
Mr. Fell,	
Mr. Lee,	
Mr. Brown,	
Mr. Levy,	
Mr. Brinsley Hall,	
Mr. James,	
Mr. Parkes,	
Dr. Arthur,	
Mr. Latimer,	
Mr. McFarlane,	
Mr. Perry,	

Agreed to.

No. 24.

EXECUTIVE AND LEGISLATIVE:—

Vice-President of the Executive Council and Representative of the Government in the Legislative Council.

Question proposed,—That there be granted to His Majesty a sum not exceeding £275 for Vice-President of the Executive Council and Representative of the Government in the Legislative Council for the year 1910-11.

And the Committee continuing to sit after Midday,—

FRIDAY, 16 DECEMBER, 1910.

Mr. Arthur Griffith moved.—That the Honorable Member for Maitland, Mr. Gillies, be not further heard.

Question put.

Committee divided.

Ayes, 34.

Mr. Dacey,	Mr. Morrish,
Mr. Nielsen,	Mr. Mechan,
Mr. Arthur Griffith,	Mr. Kearsley,
Mr. Peters,	Mr. Mercer.
Mr. Trofé,	Mr. McNeill,
Mr. Keegan,	Mr. Estell,
Mr. Edden,	Mr. G. R. W. McDonald,
Mr. Carmichael,	Mr. Cusack,
Mr. Macdonell,	Mr. Page,
Mr. Gardiner,	The Rev. T. S. Crawford.
Mr. Minahan,	<i>Tellers,</i>
Mr. Cochran,	Mr. Hoyle,
Mr. John Storey,	Mr. Grahame.
Mr. Beeby,	
Mr. G. A. Jones,	
Mr. Thrower,	
Mr. Holman,	
Mr. Horne,	
Mr. Stuart-Robertson,	
Mr. Osborne,	
Mr. Dunn,	
Mr. Gus. Miller,	

Noes, 20.

Mr. Lee,
Mr. Perry,
Mr. Wade,
Mr. Wood,
Mr. Lonsdale,
Mr. Bruntnell,
Mr. Henley,
Mr. Hindmarsh,
Mr. Brinsley Hall,
Mr. Hunt,
Mr. Parkes,
Mr. Gillies,
Mr. McLaurin,
Mr. McGarry,
Mr. McFarlane,
Mr. Moxham,
Mr. Ball,
Mr. W. Millard.
<i>Tellers,</i>
Colonel Onslow,
Dr. Arthur.

Agreed to.

No. 25.

Same Estimate.

Question proposed,—That the Estimates be agreed to.

Mr. Arthur Griffith moved,—That the question be now put.

Question put,—“That the question be now put.”

Committee

Committee divided.

Ayes, 37.

Mr. Dacey,	Mr. John Storey,
Mr. Nielsen,	Mr. Cochran,
Mr. Arthur Griffith,	Mr. Minahan,
Mr. Peters,	Mr. Gardiner,
Mr. Scobie,	Mr. Macdonell,
Mr. Treflé,	Mr. Carmichael,
Mr. Grahame,	Mr. Edden,
Mr. Keegan,	Mr. Cusack,
Mr. Hoyle,	Mr. G. R. W. McDonald,
Mr. G. A. Jones,	Mr. McGarry,
Mr. Thrower,	The Rev. T. S. Crawford,
Mr. Holman,	Mr. Page,
Mr. Horne,	Mr. Kearsley.
Mr. Stuart-Robertson,	<i>Tellers,</i>
Mr. Dunn,	
Mr. Estell,	Mr. Osborne,
Mr. McNeill,	Mr. Morrish.
Mr. Mercer,	
Mr. Meshan,	
Mr. Burgess,	
Mr. Gus. Miller,	
Mr. Beeby,	

Noes, 20.

Mr. Lee,
Mr. Perry,
Mr. Wade,
Mr. Wood,
Mr. Lonsdale,
Mr. Bruntnell,
Mr. Henley,
Mr. Hindmarsh,
Mr. Brinsley Hall,
Mr. Hunt,
Mr. Parkes,
Dr. Arthur,
Mr. McLaurin,
Colonel Onslow,
Mr. Gillies,
Mr. Ball,
Mr. Henry Willis,
Mr. W. Millard.
<i>Tellers,</i>
Mr. McFarlane,
Mr. Moxham.

And it appearing by the Tellers' Lists, that the number in favour of the motion, being a majority, consisted of "at least thirty Members."

Agreed to.

Estimate, Vice-President, &c., agreed to.

And the Estimates, Legislative Council, Legislative Assembly, Legislative Council and Assembly, Parliamentary Library, Parliamentary Reporting Staff, and Parliamentary Standing Committee on Public Works, having been agreed to.

No. 26.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

PREMIER.

PREMIERS' OFFICE.

Question proposed,—That there be granted to His Majesty a sum not exceeding £5,137, for Premier's Office for the Year 1910-11.

Mr. Beeby moved,—That the Honorable Member for Bega, Mr. Wood, be not further heard.

Question put.

Committee divided.

Ayes, 39.

Mr. Edden,	Mr. Grahame,
Mr. Nielsen,	Mr. Minahan,
Mr. McGowen,	Mr. Hollis,
Mr. Macdonell,	Mr. Burgess,
Mr. Arthur Griffith,	Mr. Holman,
Mr. Beeby,	Mr. Kearsley,
Mr. Treflé,	Mr. Horne,
Mr. Hoyle,	Mr. Dunn,
Mr. Scobie,	Mr. John Storey,
Mr. Carmichael,	Mr. Black,
Mr. Estell,	Mr. Cusack,
Mr. Peters,	Mr. G. A. Jones,
Mr. Keegan,	Mr. G. R. W. McDonald,
Mr. Thrower,	Mr. McGarry,
Mr. Cochran,	Mr. Mercer,
Mr. Meshan,	Mr. Page.
Mr. Morrish,	<i>Tellers,</i>
The Rev. T. S. Crawford,	
Mr. Stuart-Robertson,	Mr. Kelly,
Mr. Osborne,	Mr. Dacey.
Mr. Gardiner,	

Noes, 26.

Mr. Lee,	Mr. McCourt,
Mr. Brinsley Hall,	Mr. Parkes,
Mr. Lonsdale,	Mr. W. Millard.
Mr. Wade,	<i>Tellers,</i>
Mr. Wood,	
Mr. Cohen,	Mr. Ball,
Mr. Waddell,	Mr. Hindmarsh.
Dr. Arthur,	
Mr. Henley,	
Mr. Cocks,	
Mr. Thomas,	
Mr. Bruntnell,	
Colonel Onslow,	
Mr. Mark F. Morton,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Downes,	
Mr. McLaurin,	
Mr. Gillies,	

Agreed to.

No. 27.

Same Estimate.

Question proposed,—That the Estimates be agreed to.

Mr. Edden moved,—That the Question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 39.

Mr. Edden,	Mr. Gardiner,
Mr. Nielsen,	Mr. Grahame,
Mr. McGowen,	Mr. Minahan,
Mr. Macdonell,	Mr. Hollis,
Mr. Arthur Griffith,	Mr. Burgess,
Mr. Beeby,	Mr. Holman,
Mr. Treflé,	Mr. Peters,
Mr. Hoyle,	Mr. Kearsley,
Mr. Scobie,	Mr. Horne,
Mr. Carmichael,	Mr. John Storey,
Mr. Estell,	Mr. Black,
Mr. Keegan,	Mr. Cusack,
Mr. Thrower,	Mr. G. A. Jones,
Mr. Cochran,	Mr. McGarry,
Mr. Meshan,	Mr. Mercer,
Mr. Kelly,	Mr. Page.
Mr. Dacey,	<i>Tellers,</i>
Mr. Morrish,	
The Rev. T. S. Crawford,	Mr. Dunn,
Mr. Stuart-Robertson,	Mr. G. R. W. McDonald.
Mr. Osborne,	

Noes, 26.

Mr. Lee,	Mr. Price.
Mr. Brinsley Hall,	Mr. McCourt,
Mr. Lonsdale,	Mr. W. Millard.
Mr. Wade,	<i>Tellers,</i>
Mr. Wood,	
Mr. Cohen,	Mr. Parkes,
Mr. Waddell,	Mr. McLaurin.
Dr. Arthur,	
Mr. Henry Willis,	
Mr. Downes,	
Mr. Hindmarsh,	
Mr. Ball,	
Mr. Gillies,	
Mr. Henley,	
Mr. Cocks,	
Mr. Thomas,	
Mr. Bruntnell,	
Colonel Onslow,	
Mr. Mark F. Morton,	
Mr. Moxham,	
Mr. Hunt,	

And it appearing by the Tellers' Lists, that the number in favour of the motion, being a majority, consisted of "at least thirty Members."

Estimate, Premier's Office, agreed to.

No. 28.

No. 28.

SUPPLY.—ESTIMATES OF EXPENDITURE, 1910-11.

AGENT-GENERAL FOR NEW SOUTH WALES:—

Question proposed,—That there be granted to His Majesty a sum not exceeding £10,750, for Agent-General for New South Wales, for the year 1910-11.

Mr. Beeby moved,—That the Honorable Member for Petersham, Mr. Cohen, be not further heard.

Question put.

Committee divided.

Ayes, 38.

Mr. Edden,	Mr. Grahame,
Mr. Nielsen,	Mr. Hallis,
Mr. McGowen,	Mr. Burgess,
Mr. Macdonell,	Mr. Holman,
Mr. Beeby,	Mr. Dunn,
Mr. Treflé,	Mr. Kearsley,
Mr. Hoyle,	Mr. Horne,
Mr. Carmichael,	Mr. John Storey,
Mr. Estell,	Mr. Black,
Mr. Gardiner,	Mr. Mercer,
Mr. Keegan,	Mr. McGarry,
Mr. Thrower,	Mr. G. A. Jones,
Mr. Cochran,	Mr. Cusack,
Mr. Meehan,	Mr. G. R. W. McDonald,
Mr. Kelly,	Mr. Peters,
Mr. Dacey,	Mr. Page.
Mr. Morrish,	<i>Tellers,</i>
The Rev. T. S. Crawford,	Mr. Scobie,
Mr. Stuart-Robertson,	Mr. Minahan.
Mr. Osborne,	

Noes, 25.

Mr. Lee,	Mr. Gillies,
Mr. Brinsley Hall,	Mr. McCourt,
Mr. Thomas,	Mr. Parkes.
Mr. Lonsdale,	<i>Tellers,</i>
Mr. Wade,	Colonel Onslow,
Mr. Wood,	Mr. Downes.
Mr. Cohen,	
Mr. Waddell,	
Dr. Arthur,	
Mr. Henley,	
Mr. Cocks,	
Mr. Bruntnell,	
Mr. Mark F. Morton,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. Ball,	
Mr. McLaurin,	

Agreed to.

Question proposed,—That the Estimate be agreed to.

Mr. Nielsen moved,—That the question be now put.

Question,—“That the question be now put,” put, and passed.

Estimate, Agent General for New South Wales, agreed to.

And the Estimate Immigration and Tourist Bureau having been agreed to,—

No. 29.

MISCELLANEOUS SERVICES.

Question proposed,—That there be granted to His Majesty a sum not exceeding £26,133 for Miscellaneous Services for the year 1910-11.

Mr. Arthur Griffith moved,—That the Honorable Member for Gordon, Mr. Wade, be not further heard.

Question put.

Committee divided.

Ayes, 39.

Mr. Scobie,	Mr. Hollis,
Mr. Nielsen,	Mr. Thrower,
Mr. McGowen,	Mr. Cochran,
Mr. Arthur Griffith,	Mr. Keegan,
Mr. Holman,	Mr. Gardiner,
Mr. Edden,	Mr. Carmichael,
Mr. Minahan,	Mr. Horne,
Mr. Beeby,	Mr. Estell,
Mr. Dacey,	Mr. Meehan,
Mr. Kelly,	Mr. Mercer,
Mr. Grahame,	Mr. McGarry,
Mr. Morrish,	Mr. G. R. W. McDonald,
The Rev. T. S. Crawford,	Mr. Gus. Miller,
Mr. Osborne,	Mr. Peters,
Mr. Dunn,	Mr. Page,
Mr. Macdonell,	Mr. Cusack.
Mr. Hoyle,	<i>Tellers,</i>
Mr. Black,	Mr. Kearsley,
Mr. John Storey,	Mr. Burgess.
Mr. Treflé,	
Mr. Stuart-Robertson,	

Noes, 26.

Mr. Lee,	Colonel Onslow,
Mr. Thomas,	Mr. Parkes,
Mr. Brinsley Hall,	Mr. McCourt.
Mr. Wade,	<i>Tellers,</i>
Mr. Wood,	Mr. Gillies,
Mr. Cohen,	Dr. Arthur.
Mr. Waddell,	
Mr. Lonsdale,	
Mr. Henley,	
Mr. Cocks,	
Mr. Bruntnell,	
Mr. James,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Mark F. Morton,	
Mr. Hindmarsh,	
Mr. Downes,	
Mr. Ball,	
Mr. McLaurin,	

Agreed to.

No. 30.

Same Estimate.

Question proposed,—That the Estimate be agreed to.

Mr. Arthur Griffith moved,—That the question be now put.

Question put,—“That the question be now put.”

Committee

Committee divided.

Ayes, 40.

Mr. Scobie.	Mr. Cochran,
Mr. Nielsen,	Mr. Thrower,
Mr. McGowen,	Mr. Hollis,
Mr. Arthur Griffith,	Mr. Stuart-Robertson,
Mr. Holman,	Mr. Treflé,
Mr. Edden,	Mr. Burgess,
Mr. Minahan,	Mr. John Storey,
Mr. Beeby,	Mr. Kearsley,
Mr. Dacey,	Mr. G. A. Jones,
Mr. Kelly,	Mr. Black,
Mr. Morrish,	Mr. Mercer.
The Rev. T. S. Crawford,	Mr. McGarry,
Mr. Dunn,	Mr. G. R. W. McDonald,
Mr. Macdonell,	Mr. Gus. Miller,
Mr. Hoyle,	Mr. Peters,
Mr. Meehan,	Mr. Page,
Mr. Estell,	Mr. Cusack.
Mr. Horne,	<i>Tellers,</i>
Mr. Carmichael,	Mr. Osborne,
Mr. Gardiner,	Mr. Grahame.
Mr. Keegan,	

Noes, 27.

Mr. Lee,	Mr. Gillies,
Mr. Thomas,	Mr. McLaurin,
Mr. Wade,	Colonel Onslow,
Mr. Wood,	Mr. Waddell.
Mr. Cohen,	<i>Tellers,</i>
Dr. Arthur,	Mr. Lonsdale,
Mr. Price,	Mr. Brinsley Hall.
Mr. Hunt,	
Mr. Moxham,	
Mr. James,	
Mr. Bruntnell,	
Mr. Cocks,	
Mr. Henley,	
Mr. McCourt,	
Mr. Parkes,	
Mr. W. Millard,	
Mr. Henry Willis,	
Mr. Mark F. Morton,	
Mr. Hindmarsh,	
Mr. Downes,	
Mr. Ball,	

And it appearing by the Teller's Lists, that the number in favour of the motion, being a majority, consisted of "at least thirty Members."

Agreed to.

Estimate, Miscellaneous, agreed to.

And the Estimates under the Head "Colonial Secretary" having been further postponed,—

No. 31.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

TREASURER AND SECRETARY FOR FINANCE AND TRADE.

TREASURY :

Question proposed,—That there be granted to His Majesty a sum not exceeding £28,048 for Treasury for the year 1910-11.

Mr. Holman moved,—That the question be now put.

Mr. McCourt moved, pursuant to Standing Order No. 142,—That the Honorable Member for Gloucester, Mr. Price, "Be now heard."

The Chairman ruled that he could not accept the motion, as he had called upon Mr. Holman, who had moved, "That the question be now put."

Whereupon Mr. Henry Willis moved, That the Chairman leave the Chair, and report a Point of Order, and ask leave to sit again so soon as the Point of Order had been decided by the House,—

The Point of Order is,—That the Chairman of Committees had ruled, that when two Members who had risen together and he had called one, it cannot be moved that a certain other Member be now heard,—

Question put.

Committee divided.

Ayes, 26.

Mr. Thomas,	Mr. W. Millard,
Mr. Lee,	Mr. Parkes,
Mr. Perry,	Mr. Cocks.
Mr. Wood,	<i>Tellers,</i>
Mr. Wade,	Mr. Moxham,
Mr. Cohen,	Mr. Taylor.
Mr. Lonsdale,	
Mr. Bruntnell,	
Mr. Waddell,	
Mr. Henley,	
Mr. Latimer,	
Mr. McFarlane,	
Mr. Hunt,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. McCourt,	
Colonel Onslow,	
Mr. Gillies,	
Mr. Ball,	
Mr. Downes,	

Noes, 40.

Mr. Nielsen,	Mr. Black,
Mr. Estell,	Mr. Gus. Miller,
Mr. Hoyle,	Mr. Meehan,
Mr. Beeby,	Mr. Dunn,
Mr. Holman,	Mr. Morrish,
Mr. Edden,	The Rev. T. S. Crawford,
Mr. Peters,	Mr. Scobie,
Mr. Burgess,	Mr. Dacey,
Mr. Grahame,	Mr. McGowen,
Mr. Minahan,	Mr. Carmichael,
Mr. Gardiner,	Mr. Keegan,
Mr. G. A. Jones,	Mr. Treflé,
Mr. John Storey,	Mr. Arthur Griffith,
Mr. Kearsley,	Mr. Kelly,
Mr. Hollis,	Mr. Stuart-Robertson,
Mr. Macdonell,	Mr. Osborne,
Mr. Page,	Mr. G. R. W. McDonald.
Mr. Mercer,	<i>Tellers,</i>
Mr. McLaurin,	Mr. Thrower,
Mr. McNeill,	Mr. Horne.
Mr. Cusack,	

Negatived.

No. 32.

No. 32.

Question put,—“That the Question be now put.”
Committee divided.

Ayes, 39.

Mr. Nielsen,	Mr. Kearsley,
Mr. Beeby,	Mr. Grahame,
Mr. Carmichael,	Mr. Keegan,
Mr. McGowen,	Mr. Treflé,
Mr. Arthur Griffith,	Mr. Hollis,
Mr. Macdonell,	Mr. Minahan,
Mr. Holman,	Mr. Meehan,
Mr. Hoyle,	Mr. Estell,
Mr. Thrower,	Mr. G. R. W. McDonald,
Mr. Dacey,	Mr. G. A. Jones,
Mr. Scobie,	Mr. Stuart-Robertson,
Mr. Peters,	Mr. Mercer,
Mr. Gus. Miller,	Mr. Edden,
Mr. Kelly,	Mr. McNeill,
Mr. Burgess,	Mr. Page,
Mr. Morrish,	Mr. Cusack.
Mr. Dunn,	
Mr. Horne,	<i>Tellers,</i>
Mr. Osborne,	Mr. Gardiner,
Mr. Black,	The Rev. T. S. Crawford.
Mr. John Storey,	

Noes, 29.

Mr. Lee,	Mr. McCourt,
Mr. Perry,	Mr. Parkes,
Mr. Wade,	Mr. Downes,
Mr. Cohen,	Mr. Cochran,
Mr. Waddell,	Mr. McLaurin,
Mr. Wood,	Mr. W. Millard.
Mr. Bruntnell,	
Mr. Lonsdale,	<i>Tellers,</i>
Colonel Onslow,	Mr. Cocks,
Mr. Thomas,	Mr. Latimer.
Mr. Hunt,	
Mr. Moxham,	
Mr. McFarlane,	
Mr. Brinsley Hall,	
Mr. Henley,	
Mr. Price,	
Mr. Taylor,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. Gillies,	
Mr. Ball,	

And it appearing by the Tellers' Lists, that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”

Agreed to.

Estimate, Treasury, agreed to.

No. 33.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

STAMP DUTIES.

Question proposed,—That there be granted to His Majesty a sum not exceeding £5,283 for Stamp Duties, for the year 1910-11.

Mr. McNeill moved,—That the Honorable Member for Gloucester, Mr. Price, be not further heard.

Question put.

Committee divided.

Ayes, 41.

Mr. Nielsen,	Mr. Morrish,
Mr. Beeby,	Mr. Horne,
Mr. Keegan,	Mr. Osborne,
Mr. Carmichael,	The Rev. T. S. Crawford,
Mr. McGowen,	Mr. Hollis,
Mr. Arthur Griffith,	Mr. Treflé,
Mr. Macdonell,	Mr. Grahame,
Mr. Holman,	Mr. John Storey,
Mr. Hoyle,	Mr. Burgess,
Mr. Thrower,	Mr. Kearsley,
Mr. Scobie,	Mr. Black,
Mr. Dacey,	Mr. Mercer,
Mr. Estell,	Mr. G. A. Jones,
Mr. Meehan,	Mr. Edden,
Mr. Cochran,	Mr. McNeill,
Mr. Minahan,	Mr. Page,
Mr. Gardiner,	Mr. Cusack.
Mr. G. R. W. McDonald,	<i>Tellers,</i>
Mr. Peters,	Mr. Stuart-Robertson,
Mr. Gus. Miller,	Mr. McGarry.
Mr. Kelly,	
Mr. Dunn,	

Noes, 26.

Mr. Lee,	Mr. Ball,
Mr. Perry,	Mr. McLaurin.
Mr. Cohen,	
Mr. Wade,	<i>Tellers,</i>
Mr. Waddell,	Mr. Bruntnell,
Mr. Wood,	Mr. Brinsley Hall.
Mr. Lonsdale,	
Colonel Onslow,	
Mr. Henley,	
Mr. Cocks,	
Mr. Thomas,	
Mr. McFarlane,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Latimer,	
Mr. Downes,	
Mr. McCourt,	
Mr. Parkes,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. Gillies,	

Agreed to.

No. 34.

Same Estimate.

Question proposed,—“That the Estimate be agreed to.”

Mr. Carmichael moved,—That the Question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 41.

Mr. Beeby,	Mr. Horne,
Mr. Nielsen,	Mr. Osborne,
Mr. McNeill,	The Rev. S. T. Crawford,
Mr. Carmichael,	Mr. Stuart-Robertson,
Mr. McGowen,	Mr. Black,
Mr. Arthur Griffith,	Mr. Burgess,
Mr. Macdonell,	Mr. John Storey,
Mr. Holman,	Mr. Grahame,
Mr. Hoyle,	Mr. Treflé,
Mr. Scobie,	Mr. Hollis,
Mr. Keegan,	Mr. Mercer,
Mr. Dacey,	Mr. Gardiner,
Mr. Estell,	Mr. G. A. Jones,
Mr. Meehan,	Mr. McGarry,
Mr. Cochran,	Mr. G. R. W. McDonald,
Mr. Minahan,	Mr. Page,
Mr. Edden,	Mr. Cusack.
Mr. Peters,	
Mr. Gus. Miller,	<i>Tellers,</i>
Mr. Kelly,	Mr. Thrower,
Mr. Morrish,	Mr. Kearsley.
Mr. Dunn,	

Noes, 27.

Mr. Lee,	Mr. McCourt,
Mr. Perry,	Mr. Parkes,
Mr. Bruntnell,	Mr. McLaurin.
Mr. Wade,	
Mr. Cohen,	<i>Tellers,</i>
Mr. Waddell,	Mr. Thomas,
Mr. Wood,	Mr. McFarlane.
Mr. Lonsdale,	
Mr. Brinsley Hall,	
Colonel Onslow,	
Mr. Henley,	
Mr. Robson,	
Mr. Cocks,	
Mr. Moxham,	
Mr. Hunt,	
Mr. Latimer,	
Mr. Downes,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. Gillies,	
Mr. Ball,	

And it appearing by the Tellers' Lists, that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”

Agreed to.

Estimate, Stamp Duties, agreed to.

No. 35.

No. 35.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11.

LAND AND INCOME TAX.

Question proposed,—That there be granted to His Majesty a sum not exceeding £10,502 for Land and Income Tax for the year 1910-11.

Mr. Carmichael moved,—That the question be now put.

Question put,—“That the Question be now put.”

Committee divided.

Ayes, 40.

Mr. Nielsen,	Mr. G. A. Jones,
Mr. McNeill,	Mr. McGarry,
Mr. Carmichael,	Mr. Dunn,
Mr. McGowen,	Mr. Gardiner,
Mr. Arthur Griffith,	Mr. Mercer,
Mr. Macdonell,	Mr. Page,
Mr. Holman,	Mr. G. R. W. McDonald,
Mr. Thrower,	Mr. Cusack,
Mr. Hoyle,	The Rev. T. S. Crawford,
Mr. Scobie,	Mr. Osborne,
Mr. Keegan,	Mr. Horne,
Mr. Dacey,	Mr. Morrish,
Mr. Estell,	Mr. Kelly,
Mr. Meehan,	Mr. Gus. Miller,
Mr. Minahan,	Mr. Peters,
Mr. Edden,	Mr. Stuart Robertson.
Mr. Treflé,	
Mr. Kearsley,	
Mr. Grahame,	<i>Tellers,</i>
Mr. John Storey,	Mr. Cochran,
Mr. Burgess,	Mr. Hollis.
Mr. Black,	

Noes, 27.

Mr. Lee,	Mr. Cocks,
Mr. Bruntnell,	Mr. Robson,
Mr. Wade,	Mr. Henley.
Mr. Cohen,	<i>Tellers,</i>
Mr. Waddell,	Mr. Parkes,
Mr. Wood,	Mr. Hunt.
Mr. Lonsdale,	
Mr. Brinsley Hall,	
Colonel Onslow,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Hindmarsh,	
Mr. Gillies,	
Mr. Ball,	
Mr. Moxham,	
Mr. McLaurin,	
Mr. McCourt,	
Mr. Perry,	
Mr. Downes,	
Mr. Latimer,	
Mr. McFarlane,	
Mr. Thomas,	

And it appearing by the Tellers' Lists, that the number in favour of the motion, being a majority, consisted of “at least thirty Members.”

Agreed to.

Estimate, Land and Income Tax, agreed to.

And the Estimates, Gold Receivers, and Gold and Escort, having been agreed to.

No. 36.

GOVERNMENT PRINTER.

Question proposed,—That there be granted to His Majesty a sum not exceeding £82,938 for Government Printer for the year 1910-11.

Mr. McNeill moved,—That the Honorable Member for Gloucester, Mr. Price, be not further heard.

Question put.

Committee divided.

Ayes, 39.

Mr. McGowen,	Mr. G. R. W. McDonald,
Mr. Holman,	Mr. Hollis,
Mr. Carmichael,	Mr. John Storey,
Mr. Arthur Griffith,	Mr. Grahame,
Mr. Bechy,	Mr. Estell,
Mr. Treflé,	Mr. Kearsley,
Mr. McNeill,	Mr. Horne,
Mr. Minahan,	The Rev. T. S. Crawford,
Mr. Hoyle,	Mr. Burgess,
Mr. Scobie,	Mr. Black,
Mr. Keegan,	Mr. Stuart-Robertson,
Mr. Gardiner,	Mr. Mercer,
Mr. Meehan,	Mr. G. A. Jones,
Mr. Cochran,	Mr. McGarry,
Mr. Edden,	Mr. Cusack,
Mr. Macdonell,	Mr. Page.
Mr. Kelly,	<i>Tellers,</i>
Mr. Morrish,	Mr. Peters,
Mr. Dunn,	Mr. Gus. Miller.
Mr. Dacey,	
Mr. Osborne,	

Noes, 26.

Mr. Lee,	Mr. Ball,
Mr. Hindmarsh,	Mr. McCourt,
Mr. Cohen,	Mr. McLaurin.
Mr. Wade,	<i>Tellers,</i>
Mr. Lonsdale,	Mr. Levy,
Mr. Waddell,	Mr. Robson.
Mr. Wood,	
Mr. Perry,	
Colonel Onslow,	
Mr. Henley,	
Mr. Bruntnell,	
Mr. Cocks,	
Mr. McFarlane,	
Mr. Parkes,	
Mr. Hunt,	
Mr. Moxham,	
Mr. Downes,	
Mr. Henry Willis,	
Mr. Price,	
Mr. Thomas,	
Mr. Gillies,	

Agreed to.

Question proposed,—That the Estimate be agreed to.

Mr. Carmichael moved,—That the Question be now put.

Question,—“That the Question be now put,” put and passed.

Estimate, Government Printer, agreed to.

And the Estimates, Explosives, Shipping Masters, Navigation, Australian Coast Lighthouses, Life Boats, &c., and Administration of Invalidity and Accidents Pensions Act having been agreed to,—

No. 37.

No. 37.

SUPPLY—ESTIMATES OF EXPENDITURE, 1910-11

RESUMED PROPERTIES.

Question proposed,—That there be granted to His Majesty a sum not exceeding £11,641 for Resumed Properties for the year 1910-11.

Mr. Wood moved,—That the Honorable Member for Darling Harbour, Mr. Cochran, be not further heard.

Question put.

Committee divided.

Ayes, 24.

Mr. Lee,	Mr. W. Millard,
Mr. Perry,	Mr. Dacey.
Mr. Wood,	<i>Tellers,</i>
Mr. Wade,	
Mr. Cohen,	Mr. Thomas,
Mr. Bruntnell,	Mr. John Miller.
Mr. Levy,	
Mr. Cocks,	
Mr. Robson,	
Mr. Lonsdale,	
Mr. Henley,	
Mr. McFarlane,	
Mr. Latimer,	
Mr. Waddell,	
Colonel Onslow,	
Mr. Gillies,	
Mr. Hunt,	
Mr. Parkes,	
Mr. Moxham,	
Mr. Downes,	

Noes, 38.

Mr. Minahan,	Mr. G. A. Jones,
Mr. Beeby,	Mr. Scobie,
Mr. Trefle,	Mr. Gus. Miller,
Mr. McNeill,	Mr. Grahame,
Mr. McGowan,	Mr. Page,
Mr. Holman,	Mr. Kearsley,
Mr. Hoyle,	Mr. Black,
Mr. Osborne,	Mr. McLaurin,
Mr. Keegan,	Mr. Mercer,
Mr. Stuart-Robertson,	Mr. John Storey,
Mr. Meelan,	Mr. G. R. W. McDonald,
Mr. Macdonell,	Mr. Estell,
Mr. Carmichael,	Mr. Horne,
Mr. Nielsen,	Mr. Cusack,
Mr. Kelly,	Mr. Price,
Mr. Burgess,	Mr. Gardiner.
Mr. Dunn,	<i>Tellers,</i>
The Rev. T. S. Crawford,	
Mr. Cochran,	Mr. Hollis,
Mr. Peters,	Mr. Morrish.

Question proposed,—That the Estimate be agreed to.

Mr. Wood moved,—That the Question be now put.

Question,—“That the Question be now put,”—put and agreed to.

Estimate, Resumed Properties, agreed to.

And the Estimates Sydney Harbour Trust and Stores Supply Department, having been agreed to,—

No. 38.

MISCELLANEOUS SERVICES.

Question proposed,—That there be granted to His Majesty a sum not exceeding £206,597 for Miscellaneous Services for the year 1910-11.

Mr. McNeill moved,—That the Honorable Member for Gloucester, Mr. Price, be not further heard.

Question put.

Committee divided.

Ayes, 36.

Mr. Minahan,	Mr. Peters,
Mr. Black,	Mr. Osborne,
Mr. Holman,	Mr. Dacey,
Mr. Carmichael,	Mr. Morrish,
Mr. Scobie,	Mr. Dunn,
Mr. Arthur Griffith,	Mr. Grahame,
Mr. Thrower,	Mr. Stuart-Robertson,
Mr. Hoyle,	Mr. John Storey,
Mr. Burgess,	Mr. Estell,
Mr. Kelly,	Mr. Horne,
Mr. Edden,	The Rev. T. S. Crawford,
Mr. Macdonell,	Mr. Kearsley,
Mr. Muehan,	Mr. G. A. Jones,
Mr. Keegan,	Mr. McGarry,
Mr. McNeill,	Mr. Cusack.
Mr. Cochran,	<i>Tellers,</i>
Mr. Gardiner,	
Mr. Gus. Miller,	Mr. Mercer,
Mr. Hollis,	Mr. Page.

Noes, 29.

Mr. Lee,	Mr. Latimer,
Mr. Perry,	Mr. Ball,
Mr. Wade,	Colonel Onslow,
Mr. Cohen,	Mr. Thomas,
Mr. Waddell,	Mr. Hindmarsh,
Mr. Bruntnell,	Mr. Downes,
Mr. Levy,	Mr. W. Millard,
Mr. Lonsdale,	Mr. G. R. W. McDonald.
Mr. Wood,	<i>Tellers,</i>
Mr. Parkes,	
Mr. Hunt,	Mr. James,
Mr. Moxham,	Mr. John Miller.
Mr. Robson,	
Mr. Cocks,	
Mr. McFarlane,	
Mr. Henley,	
Mr. Price,	
Mr. Henry Willis,	
Mr. Gillies,	

Agreed to.

Estimate, Miscellaneous Services, agreed to.

And the Estimates, Advance to Treasurer, and Public Works Fund, having been agreed to,—

On motion of Mr. Holman, the Chairman left the Chair to report progress and ask leave to sit again.

W. S. MOWLE,
Clerk Assistant.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 20 DECEMBER, 1910, A.M.

No. 1.

MURRUMBIDGE IRRIGATION BILL.

Clauses 1 and 2 having been agreed to,—

Clause 3. In this Act, unless the context otherwise requires,—

“Improvements” includes all works, buildings, machinery, plantations, and other improvements provided or effected by or under the authority of the “Trust.” Interpretation.

“Irrigation area” means irrigation area constituted under this Act.

“Prescribed” means prescribed by regulations under this Act.

“The Construction Act” means the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906.

“The Trust” means the Murrumbidgee Irrigation Trust.

“Occupier” means the person holding under any tenure any portion of the land resumed under this Act.

“Water right” means right to such a quantity of water twelve inches deep as would cover an area of one acre. [*Read.*]

Motion made (*Mr. Lee*) to leave out from line 3 the word “Trust,” and insert the words, “Secretary for Public Works,” instead thereof.

Question put,—“That the word proposed to be left out stand part of the clause.”

Committee divided.

Ayes, 38.

Mr. Meehan,	Mr. Mercer,
Mr. Dacey,	Mr. G. A. Jones,
Mr. Beeby,	Mr. Lynch,
Mr. G. R. W. McDonald,	Mr. Morrish,
Mr. Arthur Griffith,	Mr. Nicholson,
Mr. Keegan,	Mr. Stuart-Robertson,
Mr. McNeill,	Mr. Estell,
Mr. Treflé,	Mr. Minahan,
Mr. Hoyle,	Mr. Kearsley,
Mr. Macdonell,	Mr. Gardiner,
Mr. Scobie,	Mr. McGowen,
Mr. Carmichael,	Mr. Dooley,
Mr. Cochran,	Mr. Nielsen,
Mr. Dunn,	Mr. Edden,
Mr. Osborne,	Mr. Cusack,
Dr. Arthur,	Mr. Page.
Mr. Peters,	<i>Tellers,</i>
Mr. John Storey,	The Rev. T. S. Crawford,
Mr. Horne,	Mr. Hollis.
Mr. Grahame,	

Noes, 24.

Mr. Fallick,	Mr. McGarry,
Mr. Cohen,	Mr. W. Millard.
Mr. Wade,	<i>Tellers,</i>
Mr. Lee,	Mr. Levy,
Mr. Lonsdale,	Mr. Bruntnell.
Mr. Wood,	
Mr. James,	
Mr. Ball,	
Mr. Donaldson,	
Mr. Henley,	
Mr. Moxham,	
Colonel Onslow,	
Mr. Brinsley Hall,	
Mr. Hindmarsh,	
Mr. Perry,	
Mr. Hunt,	
Mr. McFarlane,	
Mr. Thrower,	
Mr. McCourt,	
Mr. Parkes,	

Word stands.

And the clause having been amended, as indicated.

Clause, as amended, agreed to.

And clause 4 having been agreed to,—

No. 2.

SAME BILL.

Constitution
of trust.

Clause 5. "There shall be a Trust consisting of the Secretary for Public Works, the Secretary
" for Lands, and the Minister for Agriculture."

Such Trust shall administer this Act.

The Trust shall be a body corporate under the name of the Murrumbidgee Irrigation Trust,
having perpetual succession and a common seal.

There shall be an executive officer appointed by the Trust who shall also be secretary to the
Trust and such officers and servants as the Trust may appoint for carrying out the provisions
of this Act. [*Read.*]

Motion made (*Mr. Wade*), to leave out lines 1 and 2 and *insert* the words, "This Act shall be
" administered by a Trust responsible to the Minister," instead thereof.

Question put,— "That the words proposed to be left out stand part of the clause."

Committee divided.

Ayes, 38.		Noes, 24.	
Mr. Meehan,	Mr. Osborne,	Mr. Cohen,	Colonel Onslow,
Mr. McNeill,	Mr. Grahame,	Mr. Fallick,	Mr. W. Millard.
Mr. Arthur Griffith,	Mr. Mercer,	Mr. Wood,	<i>Tellers,</i>
Mr. G. R. W. McDonald,	Mr. Horne,	Mr. Wade,	Mr. Thrower,
Mr. Scobie,	Mr. Stuart-Robertson,	Mr. Lee,	Mr. Donaldson.
Mr. Keogan,	Mr. Morrish,	Mr. Levy,	
Mr. Estell,	Mr. Nicholson,	Mr. James,	
Mr. Hoyle,	Mr. Beeby,	Mr. Lonsdale,	
Mr. Macdonell,	Mr. Dooley,	Mr. Henley,	
Mr. Treflé,	Mr. Minahan,	Mr. Perry,	
Mr. Dunn,	Mr. Kearsley,	Mr. Moxham,	
Mr. Dacey,	Mr. Gardiner,	Mr. McFarlane,	
The Rev. T. S. Crawford,	Mr. Carmichael,	Mr. Brinsley Hall,	
Dr. Arthur,	Mr. Nielsen,	Mr. Hindmarsh,	
Mr. Page,	Mr. McGowen,	Mr. Hunt,	
Mr. Cusack,	Mr. Lynch,	Mr. Ball,	
Mr. Edden,	<i>Tellers,</i>	Mr. Parkes,	
Mr. Peters,	Mr. Hollis,	Mr. McCourt,	
Mr. John Storey,	Mr. Cochran,	Mr. McGarry,	
Mr. G. A. Jones,		Mr. Bruntnell,	

Words stand.

Clause, as read, agreed to.

And clauses 6 to 24 having been agreed to.

No. 3.

SAME BILL.

Amendment
of the 1910
Act.

Clause 25. The Murrumbidgee Irrigation Area Resumption Act, 1910, is amended by—

(a) substituting the word "Schedules" for "Schedule" in section two; and

(b) adding a new Schedule two in the terms of Schedule two to this Act. [*Read.*]

Question put,— "That the clause, as read, stand part of the Bill."

Committee divided.

Ayes, 39.		Noes, 20.	
Mr. Treflé,	Mr. Nicholson,	Mr. Wood,	<i>Tellers,</i>
Mr. McNeill,	Mr. Morrish,	Mr. Cohen,	Mr. Hunt,
Mr. Arthur Griffith,	Mr. John Storey,	Mr. Wade,	Mr. Hindmarsh.
Mr. G. R. W. McDonald,	Mr. Horne,	Mr. Lee,	
Mr. Scobie,	Mr. Mercer,	Mr. Levy,	
Mr. Nielsen,	Mr. Grahame,	Mr. James,	
Mr. Beeby,	Mr. Thrower,	Mr. Lonsdale,	
Mr. Keegan,	Mr. Peters,	Mr. Bruntnell,	
Mr. McGowen,	Mr. McGarry,	Mr. Fallick,	
Mr. Hoyle,	Mr. Page,	Mr. McFarlane,	
Mr. Macdonell,	Mr. G. A. Jones,	Mr. Brinsley Hall,	
Mr. Dacey,	Mr. Stuart-Robertson,	Mr. Perry,	
Mr. Carmichael,	The Rev. T. S. Crawford,	Mr. Moxham,	
Mr. Meehan,	Mr. Edden,	Mr. Parkes,	
Mr. Lynch,	Mr. Hollis,	Mr. Henley,	
Mr. Gardiner,	Mr. Donaldson,	Mr. McCourt,	
Mr. Kearsley,	<i>Tellers,</i>	Mr. W. Millard,	
Mr. Minahan,	Mr. Dunn,	Colonel Onslow.	
Mr. Dooley,	Mr. Osborne.		
Mr. Cochran,			
Mr. Estell,			

Agreed to.

And the remaining Clauses and the Schedules having been dealt with,—

On motion of Mr. Arthur Griffith, the Chairman left the Chair to report the Bill, with amend-
ments, to the House.

THURSDAY, 22 DECEMBER, 1910, A.M.

No. 4.

SUPPLY—LOAN ESTIMATES, 1910-11.

Question proposed,—That there be granted to His Majesty a sum not exceeding £4,933,000 for
Public Works and other services for the year 1910-11.

On motion of Mr. McGowen, the Chairman left the Chair to report progress and ask leave to sit
again at a later hour of the day.

(*At a later hour of the day.*)

Question proposed, that the estimate be agreed to.

And

And the House continuing to sit after Mid-day,—

THURSDAY, 22 DECEMBER, 1910.

Points of Order.—Mr. Wade submitted objections to two items on the Loan Estimates, viz. :—

(1) The item, "Miscellaneous.—State Brickworks—towards establishment of and providing means of distribution, £50,000," being a work to cost more than £20,000, the preliminary steps of inquiry not having been taken as prescribed by the Public Works Act.

(2) The item, "Railway Construction.—Hermidale to Nymagee—towards, £3,000," infringed the Public Works Act, the work not having been approved by Parliament.

Mr. Burgess, Temporary Chairman, upheld the objections.

Whereupon, Mr. Arthur Griffith moved, That the Temporary Chairman leave the Chair to report Points of Order, and ask leave to sit again, so soon as the Points of Order have been decided by the House.

The Points of Order are :—That the Honorable Member for Gordon had taken the Points of Order that the items, "Miscellaneous.—State Brickworks—towards establishment of and providing means of distribution, £50,000," and "Railway Construction.—Hermidale to Nymagee—towards, £3,000," infringed the provisions of the Public Works Act.

Question put.

Committee divided.

Ayes, 32.

Mr. Nielsen,	Mr. Holman,
Mr. Dacey,	Mr. Thrower,
Mr. Carmichael,	Mr. Estell,
Mr. Arthur Griffith,	Mr. G. A. Jones,
Mr. Treflé,	Mr. Mehan,
Mr. Macdonell,	Mr. Osborne,
Mr. Hollis,	Mr. Page,
Mr. Keegan,	Mr. McGarry,
Mr. Hoyle,	Mr. Kelly,
Mr. Beeby,	Mr. Mercer,
Mr. Dunn,	Mr. Cusack,
Mr. McGowen,	<i>Tellers,</i>
Mr. Edden,	Mr. Stuart Robertson,
Mr. Kearsley,	Mr. Peters.
Mr. Morrish,	
Mr. Gardiner,	
Mr. Meagher,	
Mr. Lynch,	
Mr. John Storey,	

Noes, 17.

Mr. Fallick,
Mr. Lee,
Mr. Wade,
Mr. Waddell,
Mr. Cohen,
Dr. Arthur,
Mr. Hindmarsh,
Mr. McFarlane,
Mr. Brown,
Mr. Price,
Mr. Lonsdale,
Mr. Ball,
Mr. Donaldson,
Mr. Downes,
Mr. W. Millard.
<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,
Mr. Levy.

Agreed to.

The Temporary Chairman left the Chair to report accordingly.

The Committee resumed, Mr. Speaker having upheld the first point and overruled the second.

And the item, "Miscellaneous.—State Brickworks—towards establishment of and providing means of distribution, £50,000," having been negatived,

Reduced estimate, £4,883,000, agreed to.

On motion of Mr. Carmichael the Chairman left the Chair to report progress and ask leave to sit again, also that the Committee had come to certain Resolutions.

W. S. MOWLE,
Clerk Assistan

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1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SECOND SESSION OF 1910.

Short Titles.	By whom initiated.	Message from Governor, recommending provision for.	Originated in Committee of the Whole.	Ordered.	Presented and read 1 st .	Read 2 nd and Committed.	Recommitted.	Reported.	Report adopted.	Read 3 rd , passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments agreed to and disagreed to.	Order of the Day discharged and Bill withdrawn.	Assent reported.	No. of Act.	Remarks.
Albury Sewerage	Mr. Arthur Griffith	15 Dec.	16 Dec.	16 Dec.	16 Dec.	16 Dec.	....	16 Dec.	16 Dec.	16 Dec.	20 Dec. a.m.	....	....	....	....	*	27	Standing Orders Suspended—Urgency—16 December.
Appropriation	Mr. Carmichael	6 Dec. 21 Dec.	....	22 Dec.	22 Dec.	22 Dec.	....	22 Dec.	22 Dec.	22 Dec.	22 Dec.	....	....	....	....	*	44	Founded on Resolutions of Ways and Means, 22 December.
Bathurst Sewerage	Mr. Arthur Griffith	15 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	22 Dec.	....	....	....	....	*	37	.....
Botany and North Botany Sewerage	Mr. Arthur Griffith	15 Dec.	16 Dec.	16 Dec.	16 Dec.	16 Dec.	....	16 Dec.	16 Dec.	16 Dec.	20 Dec.	....	....	....	....	*	28	Standing Orders Suspended—Urgency—16 December.
Broken Hill (Umberumberka Creek) Water Supply.	Mr. Arthur Griffith	15 Dec.	16 Dec.	16 Dec.	16 Dec.	16 Dec.	....	16 Dec.	16 Dec.	16 Dec.	20 Dec.	....	....	....	....	*	31	do do do do
Camden Sewerage	Mr. Arthur Griffith	15 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	22 Dec.	....	....	....	....	*	36	.....
Carrington Wharfrage	Mr. Arthur Griffith	15 Dec.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	17 Dec. a.m.	17 Dec. a.m.	20 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	33	Standing Orders Suspended—Urgency—16 December.
Coal Mines Regulation (Ventilation)	Mr. Edden	13 Dec.	19 Dec.	19 Dec.	19 Dec.	20 Dec.	....	20 Dec.	20 Dec.	20 Dec.	....	22 Dec.	22 Dec.	....	....	*	40	.....
Consolidated Revenue Fund and Public Works Fund.	Mr. McGowen	24 Nov.	....	29 Nov.	29 Nov.	29 Nov.	....	29 Nov.	29 Nov.	29 Nov.	30 Nov.	....	....	....	....	1 Dec.	22	Standing Orders Suspended, 29 November. Founded on Resolution of Ways and Means.
Darley-road, Randwick, to Little Coogee Tramway.	Mr. Arthur Griffith	15 Dec.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	32	Standing Orders Suspended—Urgency—16 December.
Early Closing Amendment	Mr. Roebey	29 Nov.	1 Dec.	1 Dec.	1 Dec.	7 Dec.	....	7 Dec.	7 Dec.	13 Dec.	....	15 Dec.	20 Dec.	....	....	21 Dec.	23	.....
Glenreagh to Dorrigo Railway	Mr. Arthur Griffith	15 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	22 Dec.	....	....	....	....	*	39	.....
Grafton and South Grafton Water Supply ..	Mr. Arthur Griffith	15 Dec.	16 Dec.	16 Dec.	16 Dec.	16 Dec.	....	16 Dec.	16 Dec.	16 Dec.	20 Dec. a.m.	....	....	....	....	*	24	Standing Orders Suspended—Urgency—16 December.

* Assent not reported.

No. 1.—REGISTER OF PUBLIC BILLS (1910, SECOND SESSION)—continued

Short Titles.	By whom initiated.	Message from Governor recommending provision for.	Originated in Committee of the Whole.	Ordered.	Presented and read 1 st .	Read 2 nd and Committed.	Recommitted.	Reported.	Report adopted.	Read 3 rd , passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments agreed to, and disagreed to.	Order of the Day discharged, and Bill withdrawn.	Assent reported.	Number of Act.	Remarks.
Great Western Railway Duplication (Emu Plains and Blaxland).	Mr. Arthur Griffith	15 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	35	.....
Helensburgh Leases	Mr. Nielsen	6 Dec.	14 Dec. a.m.	14 Dec. a.m.	14 Dec. a.m.	....	....	....	....	....	....	....	....	....	....	....	..	Stopped by Prorogation.
Hermidale to Nymagee Railway	Mr. Arthur Griffith	15 Dec.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	....	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	....	....	....	....	....	..	Standing Orders Suspended—Urgency—16 December—Not returned by Legislative Council.
Junee Water Supply	Mr. Arthur Griffith	15 Dec.	16 Dec. a.m.	16 Dec. a.m.	16 Dec. a.m.	....	....	16 Dec. a.m.	16 Dec. a.m.	16 Dec. a.m.	20 Dec. a.m.	....	....	....	....	*	26	Standing Orders Suspended—Urgency—16 December.
Law of Evidence	Mr. McGowen	....	....	....	16 Nov. ....	....	....	....	....	....	....	....	....	....	....	....	..	<i>Pro forma</i> Bill.
Loan	Mr. Carmichael	19 Dec.	22 Dec. a.m.	22 Dec. a.m.	22 Dec. a.m.	....	....	22 Dec. a.m.	22 Dec. a.m.	22 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	43	Founded on Resolution of Ways and Means, 22 December.
Maintenance Orders	Mr. Holman	....	....	6 Dec.	6 Dec.	....	....	....	....	....	....	....	....	....	7 Dec.	....	..	Motion for second reading proceeding. <i>Point of Order</i> , "That Bill involved payment from Consolidated Revenue Fund, and should have been preceded by a Message." Upheld by Mr. Speaker. Order of the Day discharged, and Bill withdrawn, 7 December.
Murrumbidgee Canals Irrigation	Mr. Arthur Griffith	1 Dec.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	..	Bill not brought in.
Murrumbidgee Irrigation (<i>changed from</i> Murrumbidgee Canals Irrigation (No. 2).	Mr. Arthur Griffith	8 Dec.	14 Dec. a.m.	14 Dec. a.m.	14 Dec. a.m.	20 Dec. a.m.	....	20 Dec. a.m.	20 Dec. a.m.	20 Dec. a.m.	....	22 Dec. a.m.	....	22 Dec. a.m.	....	*	42	Order of Leave amended in Committee. <i>Point of Order</i> , "That Bill exceeded the Order of Leave." Ruled against by Mr. Speaker, 19 December. † Council does not insist, 22 December.
Orange Hospitals for Insane	Mr. Arthur Griffith	16 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 a.m.	21 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	41	.....
Orange Sewerage	Mr. Arthur Griffith	15 Dec.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	....	21 Dec. a.m.	21 Dec. a.m.	21 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	38	.....
Parliamentary Elections (Amendment)	Mr. Macdonell	6 Dec.	13 Dec. a.m.	13 Dec. a.m.	14 Dec. a.m.	15 Dec. a.m.	....	16 Dec. a.m.	16 Dec. a.m.	19 Dec. a.m.	....	....	....	....	....	....	..	Not returned by Legislative Council.
Public Works (Leasing)	Mr. McGowen	14 Dec.	19 Dec. a.m.	19 Dec. a.m.	19 Dec. a.m.	....	....	17 Dec. a.m.	17 Dec. a.m.	....	....	....	....	....	....	....	..	Recommitted on motion for third reading, 17 December, a.m.
Sydney Water Supply (Amplification and Improvement).	Mr. Arthur Griffith	16 Dec.	16 Dec. a.m.	16 Dec. a.m.	16 Dec. a.m.	....	....	17 Dec. a.m.	17 Dec. a.m.	....	....	....	....	....	....	*	25	Recommitted, 2 nd , on motion for adoption of Report, 17 December, a.m.
University of Sydney (Fisher Library Completion).	Mr. Arthur Griffith	15 Dec.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	....	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	20 Dec. a.m.	....	....	....	....	*	30	Stopped by Prorogation.
Victoria and Rushcutters Bay Parks	Mr. Nielsen	8 Dec.	....	13 Dec.	13 Dec.	14 Dec.	....	15 Dec. a.m.	15 Dec. a.m.	17 Dec. a.m.	22 Dec. a.m.	....	....	....	....	*	31	Standing Orders Suspended—Urgency—16 December.
Wagga Wagga Sewerage	Mr. Arthur Griffith	15 Dec.	17 Dec. a.m.	17 Dec. a.m.	17 Dec. a.m.	....	15 Dec.	15 Dec. a.m.	15 Dec. a.m.	17 Dec. a.m.	20 Dec. a.m.	....	....	....	....	*	20	do do do do

* Assent not reported.

No. 2.—REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SECOND SESSION OF 1910.

Short Titles	By whom and when Petition presented.		Ordered.	Presented and read 1 st .	Referred to Select Committee.	Reported by Select Committee.	Read 2 nd and Committed.	Recommitted.	Reported.	Report adopted.	Read 3 rd , passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Assent.	Remarks	
Canterbury Park Racecourse Company (Limited) Enabling ..	Mr. Parkes	17 Nov., 1910.	22 Nov.	22 Nov.	24 Nov.	8 Dec.	Stopped by Prorogation.

No. 3.—REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL DURING THE SECOND SESSION OF 1910.

Short Titles of—		Brought up and read 1 st .	Read 2 nd and Committed.	Recommitted.	Reported.	Report adopted.	Read 3 rd , passed without Amendment, and returned to Council.	Assent reported.	Number of Act.	Remarks.
Public Bills.	Private Bills.									
Nurses Registration .....	.....	14 Dec.	.....	.....	.....	.....	.....	.....	..	Stopped by Prorogation.
.....	Bishop Tyrell Trust	30 Nov.	7 Dec.	.....	7 Dec.	7 Dec.	7 Dec.	20 Dec.	..	Sessional Orders suspended to allow General Business to be proceeded with, 7th December.

1910.
(SECOND SESSION.)
—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SECOND SESSION OF 1910.

No. of ADDRESS OR ORDER.	WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.
	VOTES.				By Address.	By Order.			Date of Order.
	No.	Date.	Entry.						
<i>NIL.</i>									

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS.

No. of ADDRESS OR ORDER.	WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.
	VOTES.				By Address.	By Order.			Date of Order.
	No.	Date.	Entry.						
<i>NIL.</i>									

REGISTER OF ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SECOND SESSION OF 1910.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.				WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.				WHEN AND HOW ANSWERED.				REMARKS.
	VOTES.				VOTES.			VOTES.				VOTES.				
	No.	Date.	Entry.	On whose Motion.	No.	Date.	Entry.	No.	Date.	Entry.	By whom.	No.	Date.	Entry.	By whom and how.	
The Governor's Opening Speech	2	1910. 16 Nov....	13	Mr. Osborne	6	1910. 25 Nov....	7	7	1910. 29 Nov. ...	1	Mr. Speaker, accompanied by the House.	7	1910. 29 Nov....	1	His Excellency the Governor.	

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

Legislative Assembly Office.
Sydney, 23rd December, 1910.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1910.

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No. OF COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. OF MEETINGS.		No. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
1	The Governor's Opening Speech	16 November, 1910. Votes No. 2, Entry 13 (On motion of Mr. Osborne.)	{ The Rev. T. S. Crawford, Mr. Keegan, Mr. Dunn, Mr. G. R. W. McDonald, Mr. Estell, Mr. Morrish, Mr. Gardiner, Mr. Osborne.	Mr. Osborne.....	.....	1	None	1910. 16 November.
2	Elections and Qualifications	24 November, 1910. Votes No. 6, Entry 2 (By Mr. Speaker's warrant, taking effect 6 December, 1910.)	{ Mr. Ball, Mr. James, Mr. Black, Mr. G. A. Jones, Mr. Dacey, Mr. Mengher, Mr. Downes, Mr. Mark F. Morton, Mr. John Storey.	.....	.....	.....	.....	.....
3	Standing Orders*	30 November, 1910. Votes No. 8, Entry 8 (On motion of Mr. Holman, for Mr. McGowen.)	{ Mr. Speaker, Mr. Dacey, Mr. McCourt, Mr. Holman, Mr. Briner, Mr. G. A. Jones, Mr. J. C. L. Fitzpatrick, Mr. Cohen, Mr. Wade, Mr. McGowen.	.....	.....	.....	.....	.....
4	Library †	30 November, 1910. Votes No. 8, Entry 9 (On motion of Mr. Holman, for Mr. McGowen.)	{ Mr. Speaker, Mr. Gus. Miller, Dr. Arthur, Mr. Levy, Mr. Hollis, Mr. Bruntnell, Mr. Horne, Mr. Harry Morton, Mr. Downes, Mr. McGowen.	The President	1	1	None	.....
5	Refreshment*	30 November, 1910. Votes No. 8, Entry 10 (On motion of Mr. Holman, for Mr. McGowen.)	{ Mr. Speaker, Mr. Levien, Mr. Briner, Mr. Lynch, Mr. Gillies, Mr. John Miller, Mr. Page, Mr. Hindmarsh, Mr. Brinsley Hall, Mr. McGowen.	Mr. Levien	1	1	None	.....
6	Printing	30 November, 1910. Votes No. 8, Entry 11 (On motion of Mr. Holman, for Mr. McGowen.)	{ Mr. Robson, Mr. Estell, Mr. Thomas, Mr. Kelly, Mr. Mark F. Morton, Mr. Grahame, Mr. Henley, Mr. McLaurin, Mr. G. A. Jones, Mr. McGowen.	Mr. Henley	5	5	None	1 Dec., 9 Dec., A.M., 16 Dec., 22 Dec., A.M., 23 Dec., A.M.

* Confers on subjects of mutual concernment with a similar Committee of the Legislative Council. † Acts in conjunction with a similar Committee of the Legislative Council.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SECOND SESSION OF 1910—*continued.*

NO. OF COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NO. OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.										
					Called.	Held.												
7	Canterbury Park Racecourse Company, Limited, Enabling Bill.	24 November, 1910. Votes No. 6, Entry 6 (<i>On motion of Mr. Parkes.</i>)	<table border="0"> <tr> <td>Mr. Macdonell,</td> <td>Mr. Nobbs,</td> </tr> <tr> <td>Mr. Dacey,</td> <td>Mr. Perry,</td> </tr> <tr> <td>Mr. Kelly,</td> <td>Mr. John Storey,</td> </tr> <tr> <td>Mr. McLaurin,</td> <td>Mr. McFarlane,</td> </tr> <tr> <td>Mr. Harry Morton,</td> <td>Mr. Parkes.</td> </tr> </table>	Mr. Macdonell,	Mr. Nobbs,	Mr. Dacey,	Mr. Perry,	Mr. Kelly,	Mr. John Storey,	Mr. McLaurin,	Mr. McFarlane,	Mr. Harry Morton,	Mr. Parkes.	Mr. Parkes	2	2	6	1910. 8 December.
Mr. Macdonell,	Mr. Nobbs,																	
Mr. Dacey,	Mr. Perry,																	
Mr. Kelly,	Mr. John Storey,																	
Mr. McLaurin,	Mr. McFarlane,																	
Mr. Harry Morton,	Mr. Parkes.																	

Legislative Assembly Office,
Sydney, 23rd December, 1910.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 30 November, 1910, Votes No. 8, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Thirtieth General Report	of the Parliamentary Standing Committee on Public Works .....	.....	Mr. McGowen	1910.	To be printed	Already in print.
Regulations	Nos. 207 to 219, under the Sydney Harbour Trust Act, 1900 .....	.....	Mr. McGowen	16 November	Not to be printed.	
Regulation	No. 234, under the Sydney Harbour Trust Act, 1900 .....	.....	Mr. McGowen	16 November	Not to be printed.	
Regulations	under the Railway Service Superannuation Act, 1910 .....	.....	Mr. McGowen	16 November	Not to be printed.	
Rules	in addition to and in amendment of the Rules contained in the Sixth Schedule to the Navigation Act, 1901.	.....	Mr. McGowen	16 November	Not to be printed.	
Statement	of the Transactions of the State Debt Commissioners for the year 1909-10.	.....	Mr. McGowen	16 November	To be printed.	
Statement	of Accounts of the Sydney Harbour Trust Commissioners for the year ended 30th June, 1910.	.....	Mr. McGowen	16 November	To be printed.	
Statement	of Balances of Appropriations of the year 1909-1910 written off as Savings on 30th June, 1910.	.....	Mr. McGowen	16 November	To be printed	Already in print.
Report	of the Chief Commissioner for Railways and Tramways for the quarter ended 30th September, 1910.	.....	Mr. McGowen	16 November	To be printed	Already in print.
Notification	of appropriation of land, under the Public Works Act, 1900, in connection with the duplication of the Railway Line near Woy Woy.	.....	Mr. McGowen	16 November	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification	of appropriation of land, under the Public Works Act, 1900, in connection with the extension of the Railway Station Yard at Baan Baa.	.....	Mr. McGowen	1910. 16 November	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the purpose of improving the traffic on the Tramway from Harris-street to Evans street, Balmain.	.....	Mr. McGowen	16 November	Not to be printed.	
Notification	of appropriation of land, under the Public Works Act, 1900, for Tramway Purposes at Broken Hill.	.....	Mr. McGowen	16 November	Not to be printed.	
Notification	of appropriation and resumption of land, under the Public Works Act, 1900, for duplication of the Great Western Railway between Mount Victoria and Bell.	.....	Mr. McGowen	16 November	Not to be printed.	
Notification	of appropriation of land, under the Public Works Act, 1900, for Station-master's Residence at Portland.	.....	Mr. McGowen	16 November	Not to be printed.	
Notification	of appropriation and resumption of land, under the Public Works Act, 1900, for Grade Improvements on the Great Western Railway, near Mount Victoria.	.....	Mr. McGowen	16 November	Not to be printed.	
Notification	of appropriation of land, under the Public Works Act, 1900, for extending the Station Yard at Parkville.	.....	Mr. McGowen	16 November	Not to be printed.	
(a) Cancellation of Regulation	No. 376, under the Crown Lands Acts; (b) Amended Regulations Nos. 83, 126, 374, 378, and 403, and Amended Forms Nos. 40A, 130, 133, 134, and 135, under the Crown Lands Acts; (c) Cancellation of Form No. 40n, and amendment of Form No. 40c, now renumbered 40n, under the Crown Lands Acts.	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Regulation	No. 32, under the Closer Settlement Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Form	No. 145, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Regulations	Nos. 1 and 2, and Forms Nos. 1, 2, 3, and 4, under the Closer Settlement Promotion Act, 1910.	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Regulation	No. 213, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Form	No. 79, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Regulation	No. 370 and Amended Form No. 125, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Amended Regulation	No. 215, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Report	of the Department of Lands and the Western Land Board for the year ended 30th June, 1910.	.....	Mr. Nielsen.....	16 November	To be printed	Already in print.
Notice.....	of intention to declare that Additional Conditional Purchase No. 1910-5, portion No. 53, parish of Worinjerong, county of Leichhardt, land district of Coonamble, applied for by Dalgety and Company (Limited) shall cease to be voidable.	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Decision	of the Minister for Lands to reverse forfeiture of James Aloysius O'Connor's Conditional Purchase No. 1903-11, and Conditional Lease No. 35,983, Bega, contrary to the recommendation of the Local Land Board.	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Reasons	for granting special sick leave of absence, beyond what the Public Service Regulations otherwise authorise, to Mr. Frederick Bulwer Nowell, Draftsman, Local Land Board Office, Maitland, Department of Lands.	.....	Mr. Nielsen.....	16 November	Not to be printed.	
Abstract.....	of Crown Lands intended to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Nielsen.....	16 November	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table	Recommended by the Committee.	Remarks.
<i>Gazette Notices</i>	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	Mr. Nielsen.....	1910. 16 November	Not to be printed.	Already in print.
Notification	of resumption of land, under the Public Works Act, 1900, for a Public Park at Fairfield.	.....	Mr. Nielsen.....	16 November	Not to be printed.
Report and Statement	of Receipts and Expenditure of the Sydney Cricket Ground Trust for the year ended 30th September, 1910.	.....	Mr. Nielsen.....	16 November	To be printed
Proclamation.....	proclaiming certain work to be a "Mining Purpose" within the meaning of the Mining Act, 1906.	.....	Mr. Edden	16 November	Not to be printed.
Proclamation.....	declaring certain portions of land, village of Hill End, to be Private Lands, under the Mining Act, 1906.	.....	Mr. Edden	16 November	Not to be printed.
Amended Regulations.....	Nos. 296, 384, and 422, under the Public Service Act, 1902.....	.....	Mr. Holman	16 November	Not to be printed.
Public Service List	for 1910.....	.....	Mr. Holman	16 November	To be printed
Returns	under the several Acts of Parliament administered by the Registrar-General for 1909.	.....	Mr. Holman	16 November	Not to be printed.
Minute	of the Public Service Board in reference to the granting of special sick leave to Mr. Bloxham, Governor, Parramatta Gaol.	.....	Mr. Macdonell	16 November	Not to be printed.
By-laws	of the Sydney Hospital.....	.....	Mr. Macdonell	16 November	Not to be printed.
Addition.....	to Schedule E of Regulations under the Motor Traffic Act, 1909 .....	.....	Mr. Macdonell	16 November	Not to be printed.
Regulations	under the Pure Food Act, 1908 .....	.....	Mr. Macdonell	16 November	To be printed
Statements.....	showing the Liabilities and Assets of Banks and Public Companies for the quarter ended 30th June, 1910.	.....	Mr. Macdonell	16 November	Not to be printed.
Amended Regulation	under the Metropolitan Traffic Act, 1900.....	.....	Mr. Macdonell	22 November	Not to be printed.
Amended Regulation	No. 319A under the Crown Lands Acts .....	.....	Mr. Nielsen.....	23 November	Not to be printed.
Abstract.....	of Crown Lands reserved from Sale for the preservation of Water Supply or other Public Purposes under the Crown Lands Act of 1884.	.....	Mr. Nielsen.....	23 November	Not to be printed.
Abstract.....	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	Mr. Nielsen.....	23 November	Not to be printed.
Abstract.....	of Alterations of Designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	Mr. Nielsen.....	23 November	Not to be printed.
<i>Gazette Notices</i>	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	.....	Mr. Nielsen.....	23 November	Not to be printed.
Particulars.....	of Leases issued on the 19th October, 1910, under the provisions of the Western Lands Acts.	.....	Mr. Nielsen.....	23 November	Not to be printed.
Return	showing derailments and accidents to trains or engines on the New South Wales Railways between 1st July, 1907, and 4th July, 1910.	.....	Mr. Waddell	10 August.....	To be printed.....
Amendment	of General Rule 6 of section 55, Mines Inspection Act, 1901 .....	.....	Mr. Edden	24 November	Not to be printed.
Return	respecting Estates resumed for Closer Settlement purposes, and Estates proclaimed but not authorised for Resumption Purposes.	.....	Mr. Nielsen.....	29 November	To be printed.
Particulars.....	of Leases issued on 23rd November, 1910, under the Provisions of the Western Lands Acts.	.....	Mr. Nielsen.....	29 November	Not to be printed.
Papers.....	respecting the cases of Edward Vernel Carr and John Heazlett—Forgery and Uttering.	.....	Mr. Holman	29 November	To be printed.
Papers.....	respecting the case of John Bridge—Forgery and Uttering .....	.....	Mr. Holman	29 November	To be printed.
Papers.....	respecting the case of Edwin Balkham—Breach of the Parliamentary Elections Act.	Mr. Holman	29 November	To be printed.	

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Again referred—
See "Votes No. 5,
Entry 3."

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.	
Papers.....	respecting the Jury Panel in the case of <i>Rex v. Bowling</i> and others of resumption of land, under the Public Works Act, 1900, for Public School Purposes at Riverstone, Telawney, Petersham, West Aracliffe, Gibberagee, Albion, Red Ant Hill, Tumut, Glenpatrick, Tulmah, Momalong, Loomberah, Tangaratta, Timbumburi, and Opossum Creek.	Mr. Holman	1910. 29 November	To be printed.		
Notification .....		.....	Mr. Beeby	29 November	Not to be printed.
New and Amended By-laws	of the University of Sydney.....	.....	Mr. Beeby	29 November	Not to be printed.	
Statement	of Bank Liabilities and Assets for quarter ended 30th September, 1910.	.....	Mr. Macdonell	29 November	Not to be printed.	
Statement	of Liabilities and Assets of Public Companies for quarter ended 30th September, 1910.	.....	Mr. Macdonell	29 November	To be printed.	
Report	of the Director of the Botanic Gardens and Domains for 1909.....	.....	Mr. Treflé	29 November	To be printed.	
Notification	cancelling Regulation No. 1, under the Stock Act, 1901, and issuing Amended Regulations in lieu thereof.	.....	Mr. Treflé	29 November	Not to be printed.	
Report	of the Forestry Branch, Department of Agriculture, for the year ended 30th June, 1910.	Mr. Treflé	29 November	To be printed.....		Already in print.
Amendments of Regulations	Nos. 2 (a), 16, 23, 34(4), and 34(6), under the Forestry Act, 1909 ...	.....	Mr. Treflé	29 November	Not to be printed.	
By-laws	of the Trustees of the Talmoi Bore Water Trust, Tuppall Creek Water Trust, Dolgelly Bore Water Trust, Tulloona Bore Water Trust, Bomuckledj Bore Water Trust, and Tyannah Bore Water Trust, under the Water and Drainage Act, 1902.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Minute	of the Public Service Board regarding the appointment of Mr. Harold P. Mulligan as Survey Draftsman, Department of Public Works.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Southern and Western Suburbs Ocean Outfall Sewer.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Water Supply Works for Wollongong.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Maitland to South Grafton Railway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Water Supply for the City of Sydney and its Suburbs.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works, 1900, for the Barren Jack Dam and Murrumbidgee Canals.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Mudgee to Dunedoo, <i>via</i> Canadian Lead, Railway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Water Supply for Thirroul, Coledale, Clifton, and Scarborough.	.....	Mr. Arthur Griffith ..	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Barren Jack Dam and Murrumbidgee Canals.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Maitland to South Grafton Railway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for an Electric Power Station at Inverell.	.....	Mr. Arthur Griffith ...	3 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Sutherland to Cronulla Tramway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Distributing Works in connection with 3B Bore.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Railway from Maitland to South Grafton.	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.		

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Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification	of resumption of land, under the Public Works Act, 1900, for Drainage Works on the North Shore of Port Jackson.	.....	Mr. Arthur Griffith ...	1910. 30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Mudgee to Dunedoo Railway. (Part 2.)	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Wagonga River Improvements.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Maitland to South Grafton Railway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for a Turncock's Residence at Kurri Kurri.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Water Supply for Cowra.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Yowie Bore.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Bunaloo Well Public Watering Place.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Tunda Bore.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Narromine to Peak Hill Railway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for Sutherland to Cronulla Tramway.	.....	Mr. Arthur Griffith ...	30 November, A.M.	Not to be printed.	
Return	showing Applications for Land under the Closer Settlement Promotion Act, 1910.	.....	Mr. Nielsen.....	30 November	To be printed.	
Amended Regulation	No. 335, under the Crown Lands Acts .....	.....	Mr. Nielsen.....	30 November	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for the Gilgoona Bore.	.....	Mr. Arthur Griffith ...	30 November	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for South Coast Villages Water Supply.	.....	Mr. Arthur Griffith ...	30 November	Not to be printed.	
Report	of the Director of Labour, State Labour Bureau, for the year ended 30th June, 1910; together with Appendices.	.....	Mr. Arthur Griffith ...	30 November	To be printed.	
New Regulation	No. 94, under the Public Instruction Act, 1880 .....	.....	Mr. Beeby	30 November	To be printed.	
Amended Regulations.....	Nos. 20, 21, 24, 25, 30, and 31, under the Public Instruction Act, 1880 .....	.....	Mr. Beeby	30 November	To be printed.	
Minute	of the Attorney-General in connection with the Reprieve of prisoner William John Phillips.	.....	Mr. Holman.....	30 November	To be printed.	
Return	respecting Chairman of Wages Boards, appointed under the Industrial Disputes Act, 1908.	.....	Mr. Holman.....	1 December	To be printed.	
Papers	respecting the case of prisoner Ben Habdah.....	.....	Mr. Holman.....	1 December	To be printed.	
Report	of the Superintendent of the Brush Farm for Boys, for 1909 .....	.....	Mr. Beeby	1 December	To be printed.	

Assembly Reading Room, Legislative Assembly,
Sydney, 1st December, 1910.

THOMAS HENLEY,
Chairman.

Sydney: William Applegate Gullick, Government Printer.—1910.

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1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 2.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 30 November, 1910, Votes No. 8, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 1, dated 1 December, 1910, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
				1910.		
<i>Gazette Notices</i>	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889.	.....	Mr. Nielsen	6 December	Not to be printed.	
<i>Regulations</i>	under the Pure Food Act, 1908 .....	.....	Mr. Macdonell	6 December	To be printed.	
<i>Regulation</i>	under the Aborigines Protection Act, 1909 .....	.....	Mr. Macdonell	6 December	To be printed.	
<i>Synopsis of Voting</i>	at the General Election, 14th October, 1910 .....	.....	Mr. Macdonell	6 December	To be printed.	
<i>Notification</i>	of appropriation and resumption of land, under the Public Works Act, 1900, for improving the traffic on the Great Northern Railway between Duri and West Tamworth.	.....	Mr. McGowen	7 December	Not to be printed.	
<i>Notification</i>	of appropriation of land, under the Public Works Act, 1900, for the improvement of the Station Yard at Rowena.	.....	Mr. McGowen	7 December	Not to be printed.	
<i>Report</i>	of the Metropolitan Board of Water Supply and Sewerage for the year ended 30th June, 1910; together with Diagrams and Plans.	.....	Mr. Edden	7 December	To be printed.	
<i>Lists</i>	of Charitable and Benevolent Institutions in New South Wales .....	.....	Mr. Macdonell	7 December	Not to be printed.	
<i>Regulations</i>	under the Public Instruction Act of 1880 .....	.....	Mr. Beeby	8 December	To be printed.	

*Assembly Reading Room, Legislative Assembly,
Sydney, 8th December, 1910.*

JOHN ESTELL,
Temporary Chairman.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 3.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 30 November, 1910, Votes No. 8, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 2, dated 8 December, 1910, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return	showing the amount of Coal purchased locally and imported by the Government during the 1909-10 Coal Strike, and the prices paid for same.	.....	Mr. McGowen	1910. 13 December	To be printed.	
Schedule	to the Estimates for 1910-11 .....	.....	Mr. McGowen	13 December	To be printed.	
Notification	of appropriation of land, under the Public Works Act, 1900, for extending the Station Yard at Orange.	.....	Mr. McGowen	13 December	Not to be printed.	
Proclamation.....	declaring portions 107 and 108, parish of Currajong, county of Ashburnham, town of Parkes, to be Private Lands under Part IV, Mining Act, 1906.	.....	Mr. Edden	13 December	Not to be printed.	
Report	of the Department of Agriculture for the year ended 30th June, 1910	.....	Mr. Treflé	13 December	To be printed.	
Report	of the Stock Branch of the Department of Agriculture for the year ended 30th June, 1910.	.....	Mr. Treflé	13 December	To be printed.	
Abstract.....	of Crown Lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Nielsen.....	13 December	Not to be printed.	
Gazette Notices	setting forth the mode in which it is proposed to deal with the Dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889.	.....	Mr. Nielsen.....	13 December	Not to be printed.	
Amended	regulations Nos. 69 and 188, under the Public Service Act, 1902 .....	.....	Mr. Holman	14 December	Not to be printed.	
Rules	under the District Courts (Amendment) Act, 1905.....	.....	Mr. Holman	14 December	Not to be printed.	
Report	of the Registrar of Friendly Societies for 1909; together with Tables, &c.	.....	Mr. Macdonell	14 December	To be printed.	
Report	of the Sydney Harbour Trust Commissioners for the year ended 30th June, 1910.	.....	Mr. McGowen.....	15 December	To be printed	Already in print.
Papers	respecting remission of portion of fine imposed on Mr. George Ambler for breach of City By-laws—loitering on the footway.	.....	Mr. Treflé	15 December	To be printed.	
Return	respecting Estates of which acquisition for Closer Settlement had been approved by Parliament prior to 30th June, 1910, and which were not paid for at that date.	.....	Mr. Nielsen.....	15 December	To be printed.	

Assembly Reading Room, Legislative Assembly,
Sydney, 15th December, 1910.

THOMAS HENLEY,
Chairman.

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1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 30th November, 1910, Votes No. 8, Entry 11, have agreed to report to your Honorable House in relation to the Papers referred to them, since their Report No. 3, dated 15th December, 1910, as follows :—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
				1910.		
Regulations	Nos. 235 and 236, under the Sydney Harbour Trust Act, 1900 .....	.....	Mr. McGowen.....	19 December	Not to be printed.	
Regulation.....	No. 241, under the Sydney Harbour Trust Act, 1900 .....	.....	Mr. McGowen.....	19 December	Not to be printed.	
Regulations.....	Nos. 237 to 240, under the Sydney Harbour Trust Act, 1900.....	.....	Mr. McGowen.....	19 December	Not to be printed.	
Proclamation.....	declaring Fuller's earth to be a mineral within the meaning of the Mining Act, 1906.	.....	Mr. Edden	19 December	Not to be printed.	
Proclamation.....	declaring agate and chalcedony to be minerals within the meaning of the Mining Act, 1906.	.....	Mr. Edden	19 December	Not to be printed.	
Regulations	under the Dentists Act, 1900, and the Dentists (Amendment) Act, 1909.	.....	Mr. Macdonell	19 December	Not to be printed.	
List	of applicants for appointment as Assistant Inspector under the Pure Food Act, 1908.	.....	Mr. Macdonell	19 December	Not to be printed.	
Report	by the Public Service Board into the working of the Sydney Observatory.	.....	Mr. Beeby	19 December	To be printed.	
By-laws	of the Trustees of the Mille Bore Water Trust, under the Water and Drainage Act, 1902.	.....	Mr. Arthur Griffith ...	20 December	Not to be printed.	
Minute	of the Public Service Board, recommending the appointment of Mr. C. P. Platt as Assistant Engineer, Department of Public Works.	.....	Mr. Arthur Griffith ...	20 December	Not to be printed.	
Report	of the Hunter District Water Supply and Sewerage Board for the year ended 30th June, 1910, together with Appendices.	.....	Mr. Arthur Griffith ...	20 December	To be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Papers	in connection with the case of Prisoner Margaret Jackson .....	.....	Mr. Holman	1910. 20 December	To be printed.	
Papers	in connection with the inquiry into the administration of Newtown Park, Narrabri.	.....	Mr. Nielsen	20 December	Not to be printed.	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the dedication of certain lands under the Crown Lands Acts of 1884 and 1889, and the Public Trust Act, 1897.	.....	Mr. Nielsen.....	20 December	Not to be printed.	
Notification	of resumption of land, under the Public Works Act, 1900, for a Public School at Blackwall.	.....	Mr. Edden	21 December	Not to be printed.	
Report	of the President of the State Children Relief Board for the year ended 5th April, 1910.	.....	Mr. Edden	21 December	To be printed	Already in print.
Report	of the Department of Public Works for the year ended 30th June, 1910, together with Maps and Photographs.	.....	Mr. Arthur Griffith ...	21 December	To be printed.	
Letter	from the Auditor-General, transmitting for presentation to the Legislative Assembly, under the directions contained in the 34th section of the Audit Act, 1902, copy of Minute of His Excellency the Governor and the Executive Council, authorising transfers of amounts from one head of Service to supplement a Vote for another Service, viz. :—The unexpended balances of appropriations under Schedule A to the Supply Act No. 3 of 1910 to the Vote of £1,842,900 under the same Act, to defray the expenses of the various Departments and Services of the State during the months of July, August, September, October, and November, or following month of the financial year ending 30th June, 1911.	.....	Mr. Speaker	21 December	Not to be printed.	

Assembly Reading Room, Legislative Assembly,
Sydney, 21st December, 1910.

THOMAS HENLEY,
Chairman.

[34.] 86680 294—

1910.
 (SECOND SESSION.)
 —
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

No. 5.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 30th November, 1910, Votes No. 8, Entry 11, have agreed to report to your Honourable House in relation to the Papers referred to them since their Report No. 4, dated 21st December, 1910, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations	under the Theatres and Public Halls Act, 1908 .....	.....	Mr. Macdonell	1910. 22 December	Not to be printed.	
Papers	respecting payment by the Crown to Plaintiff in the case of Hole v. Williams.	.....	Mr. Holman	22 December	To be printed.	

*Assembly Reading Room, Legislative Assembly,
 Sydney, 22nd December, 1910.*

THOMAS HENLEY,
 Chairman.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING THE CASE OF PRISONER BEN HADBAH.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

[Laid upon the Table of the House in accordance with promise made by the Honorable the Attorney-General and Minister of Justice on 24th November, 1910.]

SCHEDULE.

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4. Departmental Minute, 8th October, 1908, with letter	6
5. Letter from Mrs. S. Hadbah (<i>per</i> His Excellency the Governor), 21st December, 1908, with annexures, and decision thereon	7
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No. 1.

Mr. Naman Hadba to The Commissioner of Police.

Naman Hadba Co., Importers of Oriental Goods, 20, Rector-street,

To the Commissioner of Police.

New York, N.Y., U.S.A., 25 November, 1907.

Sir,

Will you give me information concerning a brother? His name Ben Hadbah, practising medicine at Albury.

I have been in communication with him until about six months ago, when all correspondence ceased. On the other hand, of late I heard from unreliable sources that he was convicted on a serious charge, received a sentence of five years. I do not know whether this true or not. Therefore I decided to ask you very kindly to inform such, or if you will forward me a newspaper to the effect.

Can very willingly pay any expense. If this report is true, can you tell me whether I can correspond with him, and where to.

Do please answer this, and you will greatly oblige.

I remain, &c.,

NAMAN HADBA.

Police Department, Superintendent's Office, Albury, 3 January, 1908.

For inquiry and report. A newspaper report might, if possible, be procured and attached. Inquiry should also be made at the gaol as to last question asked by writer.—W.R.E., Superintendent. Senior-Sergeant Brown, Albury.

Re Ben Hadbah, inquired for by his brother Naman Hadba, of 20, Rector-street, New York, U.S.A.

Police Station, Albury, 7 January, 1908.

SENIOR-SERGEANT BROWN reports that Ben Hadbah, who was practising as a herbalist in Albury for about two years, was arrested on the 2nd April, 1907, on a charge of unlawfully using an instrument with intent to procure a miscarriage. He was to have been tried at Albury Circuit Court on the 16th April, but owing to the illness of the prosecutrix the case was postponed, and Hadbah was tried at the Sydney Quarter Sessions on the 17th May, 1907, when he was found guilty. Sentence was postponed for him to produce certificates of character. He was brought up for sentence on the 1st June, 1907, and was sentenced to five years' penal servitude. As the trial took place in Sydney, the evidence was not published in the Albury newspapers, with the exception of the two attached clippings taken from the *Albury Border Morning Mail* of the 24th May and 1st June, 1907. The Senior-Sergeant has seen the Albury gaoler, Mr. McKenzie, who states that Hadbah's friends can correspond with him once a month. Hadbah is at present serving his sentence in Goulburn Gaol.

R. A. BROWN,
Senior-Sergeant.

The Superintendent of Police, Albury.

Forwarded to the Inspector-General of Police, who perhaps may see fit to have the writer informed.—
W. R. ELLIOTT, Superintendent, Albury, 7th January, 1908.

PARTICULARS of Conviction and Prison History of Ben Hadbah, a Prisoner in Goulburn Gaol.

Name of Prisoner.—Ben Hadbah.
Born.—Syria; 18th January, 1871.
Convicted.—Sydney Quarter Sessions, 17th May, 1907.
Offence.—Unlawfully using an instrument with intent to procure miscarriage.
Sentence.—Five years' penal servitude.
Judge.—Backhouse.
Recommendation or Remarks.—Guilty.
Due for Discharge on—23rd February, 1911.
Eligible for 8s. Gratuity to date.
Eligible for *nil* Bonus, &c., &c., to date.

Previous Convictions.

Where.	When.	Offence.	Sentence.
Albury P.O.	16 September, 1905	Breach of Lotteries Act.....	£10, or 6 weeks' hard labour—paid at Court.
Do	20 February, 1906	Unlawful Assault	£2 8s. fine—paid at Court.

Prison History.—Present Position.

Class, 1st; Division, B; Ration, No. 3; Employed at Tailoring.

In the Gaol at—	Dates, showing each period of Remand, Trial, and Sentence.		Remand, Trial, or Sentence.	Number of Days.	Marks.		
	From—	To—			Orderly.	Industrious.	Sundays, &c. †
Darlinghurst	17 May, 1907	11 June, 1907	Sentence ...	26	26	7	19
Goulburn	12 June, 1907	10 February, 1908	Do ...	244	244	205	39
Totals				270	270	212	58

†Sundays, 38; Holidays, 5; Days when no work available (awaiting sentence), 15; Total, 58.

Punishments—Nil.

General Conduct in Darlinghurst and Goulburn Gaols—Good.

Dates eligible by sentence to enter—

“A” Division, 1st stage, 17th May, 1907.

“A” Division, 2nd stage, 11th July, 1907.

“B” Division, 17th November, 1907.

“C” Division, 17th May, 1909.

Date entered separate, 11th June, 1907.

Date completed separate, 11th July, 1907.

Goulburn Gaol, 10th February, 1908.

CHAS. GRAHAM,
Officer-in-Charge.

Sir,

13 January, 1908.

In reply to your letter of the 25th November last, addressed to the Officer-in-Charge of Police, at Albury, relative to Ben Hadbah, I beg to inform you that the information furnished to you is correct, and that he is at present in Goulburn Gaol. It is suggested that any further communications concerning him be addressed to the Comptroller-General of Prisons, Sydney.

I have, &c.,

Naman Hadba Co.,
Importers of Oriental Goods,
20 Rector-street, New York, U.S.A.

Inspector-General of Police.

No. 2.

Mrs. Saoud Habda to His Excellency the Governor.

To His Excellency Sir Harry Rawson, Governor of New South Wales, Australia.

Sir, Judeideh Merjajyun, Beirut, Syria, 21 December, 1907.

May it please your Excellency to deign and hear my humble petition, in which I solicit your high favour and kind assistance. I am in a great trouble, caused by the terrible news which I have recently received about the conviction of my son, Ben Hadba, who has been sentenced to five years' imprisonment with hard labour by the high tribunal of New South Wales. I was bereaved of his father, and was left with a large family to keep, and I am entirely dependant on the support of this unfortunate son.

I appeal to you, Sir, to have a pity on me and on my poor family, and save us from our present distress and subsequent starvation, which is staring us in the face, by using your good offices in having his sentence commuted to deportation from Australia, so that he may return to Syria and aid in the support of his widowed mother and fatherless brothers.

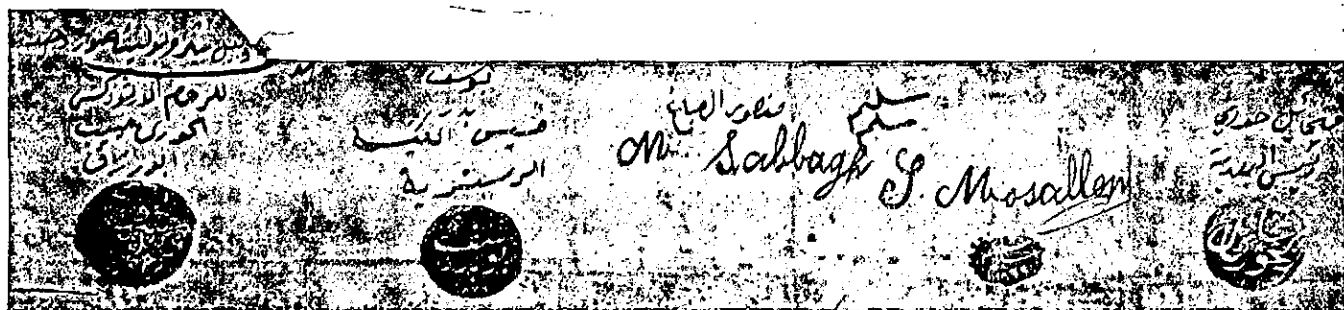
Your Excellency's most obedient servant,
SAOUD,
Widow of George Hadba.

The Under Secretary, Department of the Attorney-General, &c.,—Referred, by His Excellency's command, for the advice of the Hon. the Attorney-General.—F. HARRISON SMITH, Private Secretary, 6/2/08.

WE, the undersigned, hereby certify that Mrs. George Hadba and her family are well known to us to be a very respectable and law-abiding Christian family. The late Mr. George Hadba was one of the elders of the Presbyterian Church in Judeideh Merjajyun, Syria, and was highly esteemed by all those who were acquainted with him. He died a few years ago, leaving his wife with a large family to keep, without any visible means of support, except what was remitted to her occasionally by her eldest son, Ben Hadba, who had emigrated to Australia a few years previous to the death of his father. We can conscientiously certify that before he left home he had a good reputation and was an active member of the Presbyterian Church in Judeideh, his native town. And so with deep sympathy and profound sorrow we heard the sad news of his conviction in one of His Majesty's criminal courts in Sydney, N.S.W. We also sympathise with Mrs. Hadba and her family for their present misfortunes, and declare their circumstances are such as to invite both pity and assistance. We also certify that there is nothing against the said Ben Hadba in any court of justice throughout Syria, and, so far as we can ascertain, that he was convicted in Sydney for his first offence. We therefore venture to recommend him to the mercy of His Excellency the Governor of New South Wales, and to the high authorities there kindly to use their influence, and grant that this unfortunate man be relieved of his trouble, even by taking the measure of banishing him from the country. In case this request is granted we shall see that he never more sets foot on Australian soil, so that he will be no further burden on the Commonwealth. We believe that any help which can be rendered to him would be greatly appreciated, and help much in the mitigation of the misery of his family.

We testify that all we have stated above is true, and therefore we herewith sign this certificate.

Judeideh Merjajyun, Beirut, Syria,
December 21st, 1907.



HABIB ABOU-RIGK,
Priest of the Greek Orthodox
Church and the Deputy of
the Archbishop of Tyre and
Sidon.

JOSEPH BADR,
Minister of the
Presbyterian Church.

Elders of the
Presbyterian Church.

MICHAEL COORY,
Mayor of the
town.

I can testify to my acquaintance with all the parties herein mentioned, and the genuineness of their signatures, and shall rejoice in any clemency that can rightly be extended to the son in question.

Rev. K. S. RASI.



GEORGE A. FORD,
GEO. C. DOOLITTLE,
SAMUEL JESSUP, } American Presbyterian Missionaries,
Sidon, Syria.

(08-2,042.) Department of the Attorney-General and of Justice, Sydney, 10 February, 1908.

Subject :—Petition in favour of Prisoner Ben Haddah.

THE Comptroller-General of Prisons for favour of prison particulars and newspaper report of the trial.

J. L. WILLIAMS,
Under Secretary
(*per H.M.*.)

B.C. Wire to Goulburn, 10. Please find prison particulars and newspaper report herewith.—
F.W.N., C.G.P., 11/2/08. The Under Secretary, Department of the Attorney-General and of Justice.
I.G. of P. for report, 11/2/08. Returned, 11 Feb., 1908.

(08-2,042.)

Name.—Ben Haddah.

Sir,

Department of the Attorney-General and of Justice,

Sydney, 11 February, 1908.

Offence.—Using an instrument with intent to procure a miscarriage.

Sentence.—5 years P.S.

Date of conviction.—17th May, 1907.

Where convicted.—Sydney Q.S.

In connection with a petition for remission of sentence on behalf of the prisoner named in the margin, which is now under the consideration of the Attorney-General and Minister of Justice, I have the honor to request that you will be so good as to favour me, as early as possible, with such information as your officers can afford, regarding the antecedents, character, associates, and habits of the prisoner whilst at liberty, to enable the Minister to form an estimate of the probability, or otherwise, of his reformation.

I have, &c.,

J. L. WILLIAMS,
Under Secretary
(*per H.M.*.)

The Inspector-General of Police.

For inquiry and report.—DAVID R. McCALL, Secretary (for Inspector-General of Police), Feb. 12, 1908.
The Supt. Police, Albury.

Police Department, Superintendent's Office, Albury, 13 February, 1908.

Re Ben Haddah,—Antecedents, character, associates, and habits.

FOR careful inquiries and report.

Senior-Sergeant Brown, Albury.

W.R.E.,
Superintendent.

Police Station, Albury, 14 February, 1908.

SENIOR-SERGEANT BROWN reports that Ben Haddah came to Albury about the beginning of August, 1905. On arrival here he commenced business in a tent, as a cheap-jack, disposing of various goods by means of a lottery. On the 15th February, 1905, he was proceeded against by the Albury police on a charge of disposing of goods by lottery, for which offence he was fined £10, and 6s. costs, in default six weeks' imprisonment; the fine was paid. Shortly after this he took a house in David-street, Albury, and commenced business as a medical pathologist and specialist (*see advertisement attached*). This business he carried on until the 2nd April, 1907, when he was arrested on a charge of unlawfully using an instrument with intent to procure the miscarriage of one Nora Irene Plunkett, for which offence he was found guilty, and is now undergoing a sentence of five years' penal servitude. There is no doubt that from the time Haddah started as a quack doctor here, until the time of his arrest, he was practising abortion on both married and single women, but in such a cunning manner that it was very difficult to get a charge against him. Before coming to Albury Haddah resided in the State of Victoria; whilst there he was suspected by the police of carrying on the business of an abortionist. The Senior Sergeant has also received information from a private source that Haddah was practising abortion in Victoria; this information is from one who actually witnessed the occurrences. There is very little doubt that if this prisoner is released he will again resort to the same course of making a living, as he has practised it for so many years.

As to Haddah's character: He was looked upon here as a man of very sensual habits, and while here was the cause of some considerable family trouble owing to his familiarity with a young woman, the daughter of a respectable tradesman of this town. Haddah's associates were mostly those of his own countrymen (Syrians), some of whom did not bear the best of characters; one of whom was fined at the Albury Police Court for a breach of the Lotteries Act, and was afterwards arrested at Albury, on a Victorian warrant, for larceny, and remanded to Melbourne on the 5th September, 1905. Haddah was a man of most indolent habits, and would generally be found lying about at his house, but when he went walking down town would dress up in a very loud style so as to attract attention to himself. He was a moderately temperate man, and was very fond of company at his own house.

The Superintendent of Police, Albury.

R. A. BROWN,
Senior Sergeant.

[*Enclosure.*]

The Albury Daily News, Wednesday, 27 June, 1906.

BEN HADDAH (late of Melbourne), Medical Pathologist and Specialist, Reg. Herbalist (Vic.), Oculist and Electrician (15 years' experience in Victoria).

Treats all Blood Diseases, Nerve Affections, Paralysis, Loss of Energy, Lung, Heart, Skin, Piles, and all Chronic Diseases.

A cure guaranteed in all cases undertaken.

Thousands of testimonials, many of them from well-known residents of this State, and those suffering from any complaint whatever should call and inspect them.

Electric appliances, Cabinet, Hot Air, Vapor, Sitz, Packing, Oil and Electric Baths.

Treatment under these systems has proved most effectual throughout the State.

B.

B. Haddah, Scientific Pathologist, diagnoses diseases in the most minute manner, and patients may rely upon having their cases diagnosed and treated carefully and scientifically.

Medicine supplied on the premises.

Ladies Complaints a speciality. Consultation by letter. Strictly confidential.

Consultation free Daily at his residence, David-street, Albury (Mrs. Pinkau's late residence).

Police Department, Superintendent's Office, Albury, 14 February, 1908.

Forwarded to the Inspector-General of Police. Since this man's conviction his brother, who resides or carries on business at 20, Rector-street, New York, U.S.A., made anxious inquiries about him. Please see papers returned to the Inspector-General of Police on 7th January last.—W. R. ELLIOTT, Superintendent. The Inspector-General of Police, Sydney.

Police Department, Inspector-General's Office, Sydney,
17 February, 1908.

Re Prisoner Ben Haddah, petition for remission of sentence of.

FORWARDED for information of the Under Secretary, Department of Attorney-General and of Justice.

T. GARVIN,
Inspector-General of Police.

(08-2,712.)

Department of the Attorney-General and of Justice, Sydney,
29 February, 1908.

Subject:—Petition from Mrs. Hadba, of Syria, for the release of her son Ben Haddah or Haddah.

Offence:—Using an instrument with intent to procure a miscarriage. *Sentence*:—Five years P.S. Submitted.

Police report, prison particulars, newspaper report of the trial, and depositions are herewith.

The petition urges that the prisoner be released, and that he be allowed to return to Syria.

Prisoner has served nine months of his sentence of five years. If his conduct continue good he will be granted a remission of nearly fifteen months, and be due for discharge on the 23rd February, 1911.

Does the Minister desire that His Honor Judge Backhouse be asked for a report?

J. L. WILLIAMS,
Under Secretary.

No recommendation.—C.G.W., 2/3/08.

His Excellency the Governor,—I am unable to recommend the remission of any portion of this prisoner's sentence.—C. G. WADE, 3/3/08. Refused.—HARRY H. RAWSON, Governor, 4/3/08. Returned, 4 Mar., 1908. C.G. Prisons, Mrs. Haddah, 5/3/08. Deps. to Clerk of the Peace, 5/3/08. Noted and returned.—F.W.N., C.G. Prisons, 6/3/08. The Under Secy., Dept. of Attorney-General and of Justice. Returned, 10 Mar., 1908. Newspaper report detached. Put by.—C.D.R., 10/3/08.

The Sydney Morning Herald, 18 May, 1907.

Ben Haddah convicted of malpractice—five years P.S.

Ben Haddah pleaded not guilty to a charge of malpractice, and was defended by Mr. P. K. White, instructed by Mr. C. M. Boyce.

This was a case from Albury, the accused having requested to have the case tried in Sydney.

The jury, after four hours' deliberation, found a verdict of guilty.

Sergeant Brown, in answer to His Honor, said married and single women visited the accused's establishment.

The accused said he was in the habit of attending to people with rheumatism. He had a good class of people in his hospital. But he would take the consequences of his conviction in a manly way.

His Honor said he entirely agreed with the verdict, and remanded the accused for sentence.

Ben Haddah, who was convicted on May 17 on a charge of having unlawfully used a certain instrument at Albury on October 24, was called up for sentence.

Mr. G. H. Reid, K.C. (instructed by Mr. J. W. Abigail), read a number of testimonials from Albury residents, who testified to the good character borne by the prisoner.

His Honor said the testimonials as to character could not weigh with him in view of the evidence of the senior-sergeant of police. The prisoner had shown the same ignorance which characterised these cases, though there had been an absence of the usual brutality. Prisoner was sentenced to five years' penal servitude.

The Australian Star, 18 May, 1907.

A Syrian on Trial.

A well-dressed Syrian named Ben Haddah pleaded not guilty at the Sydney Quarter Sessions yesterday to a charge of using an instrument with intent to procure a certain event, at Albury, on October 24 last.

Mr. P. K. White, instructed by Mr. C. M. Boyce, appeared for accused.

The jury, after a retirement of about three hours, returned a verdict of guilty, and accused was remanded for sentence.

At the Quarter Sessions yesterday, before Judge Backhouse, Ben Haddah, a Syrian, who had been found guilty of using an instrument with intent at Albury on October 25 last, was called up for sentence.

Mr.

Mr. G. H. Reid, K.C. (instructed by Mr. Jas. W. Abigail), appeared in support of an application for leniency. A large number of letters and certificates of character from leading residents of Albury were read.

His Honor said that this was a very serious offence. He really did not attach much weight to the certificates of character. The prisoner could not prove whether he had any medical qualifications or not. The only thing in his favour was there was less brutality than usual in these cases. He sentenced him to five years' penal servitude.

No. 3.

Letter from Bishop of Paneas, with Translation.

Nous, soussigné, Clément Mâlouf évêque grec-melkite-catholique de Panéas, certifions que la famille Hadba composée de sept enfants et de leur mère et étant tellement pauvre qu'elle est réduite à la mendicité a extrêmement besoin de leur aîné Bin Hadba, demeurant actuellement en Australie, pour le soutien de sa famille; et certifions que son retour à sa famille est si nécessaire que sans quoi cette famille périrait de misères.

En foi de quoi nous avons livré ce certificat.

Fait à Gédaidat-Margyoun le 23 Décembre, 1907.

CLEMENT MÂLOUF,
évêque de Paneas.
[Seal.]

Will the Government Interpreter and Translator of Foreign Correspondence be good enough to furnish a translation of the attached letter.—G.W. (for Under Secretary), B.C., 10/2/08. Translation herewith.—GEO. GARRET, the Government Interpreter and Translator, B.C., C.P.O., 11/2/08. The Under Secretary, Dept. of the Attorney-General and of Justice.

We, the undersigned Clément Mâlouf, Bishop of the Greek-Melchite-Catholic Church of Panéas, certify that the Hadba family, consisting of seven children and their mother, is so poor that they are reduced to begging and are extremely in need of the help of their eldest born, Bin Hadba, who is living at present in Australia, for the support of the said family, and we further certify that his return to his family is so necessary, that without it that family would perish of poverty.

In witness whereof we have delivered this certificate.

Made at Gédaidat-Margyoun, the 23 December, 1907.

CLEMENT MÂLOUF,
Bishop of Panéa.
[Seal.]

No. 4.

Minute by The Under Secretary, Department of Justice.

Department of the Attorney-General and of Justice, Sydney, 8 October, 1908.

Subject :—Respecting the case of prisoner Ben Habdah.

Offence :—Unlawfully using an instrument with intent to procure a miscarriage. *Sentence* :—Five years P.S.

Mr. McGowen, M.L.A., accompanied by Mr. W. Abourizk, of Redfern, called to inquire whether some date could not be fixed for the release of this prisoner, with a view to his being allowed to return to Syria. Inform, by direction of the Premier, that if the prisoner's conduct and industry continue satisfactory he will, in the ordinary course, be due for release about the 23rd February, 1911.

Add that, as he has so far served less than eighteen months of a sentence of five years imposed for a serious offence, the Premier does not see his way at the present time to make any recommendation as to the prisoner's release.

J. L. WILLIAMS,
Under Secretary.

Mr. McGowen, 8/10/08. The Comptroller-General of Prisons, for his information.—H.M. (for U.S.), B.C., 9/10/08. Decision noted and papers returned.—F.W.N., C.G.P., 10/10/08. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 12 Oct., 1908. File.—E.H.S., 12/10/08. Mr. Abourizk called to-day. He will probably address the Premier with regard to this case in about three months' time, with undertaking to deport Hadba to Syria if released.—J.L.W., 21/10/08.

Sir,

8 October, 1908.

With reference to personal inquires recently made by you and Mr. W. Abourizk, of Redfern, as to whether some date could not be fixed for the release of prisoner Ben Habdah with a view to his being allowed to return to Syria, I am directed by the Premier to state that, if the prisoner's conduct and industry continue satisfactory, he will in the ordinary course be due for release about the 23rd February, 1911. As he has so far served less than eighteen months of a sentence of five years imposed for a serious offence, the Premier does not see his way at the present time to make any recommendation as to the prisoner's release.

I-have, &c.,

J. S. T. McGowen, Esq., M.L.A., Parliament House.

Under Secretary.

No. 5.

No. 5.

Mrs. S. Hadbah to Miss Rawson.

The Honorable Miss Rawson, Sydney, Australia.

Dear Madam,

Judidet-Marj-Euon, Syria, 21 December, 1908.

To you and you alone I address these few lines, knowing full well that in so doing I am committing a break of etiquette, for which, may I humbly beg your pardon. The circumstances which prompted me to write you this letter are very sad indeed, and in my trials I sought your help, being a woman like myself. Like myself as far as the sect is concerned, but, apart from it, the difference between us is greater than the Northern star. You are young and happy, and take interest in every human work which tends to lessen the miseries of this world. You help the unfortunates, and I am sure you feel happy and contented in doing so; being kind-hearted and of noble descent. In short, you are a woman in the full sense of the word, and rightly you won the title.

In regard to myself, I am the unhappiest woman on earth living, lost my husband, who left behind seven young children. After his death we, naturally, looked for our bread to our only hope in this world, my eldest son, Ben Hadbah, who is now in Goulburn Gaol, in the State of New South Wales, serving a sentence of five years. We were dependent on him for our bread and butter, and he always used to send us money, without which we were doomed to starvation. At present we are living on charity, and you can imagine for yourself how hard and cruel life becomes when a whole family waits, perhaps a whole day, for someone to give them a loaf of bread in order to put out doors the greatest enemy on earth—hunger—which has no mercy. I am crying day and night. Sleep has deserted my eyes, and the cries of my children rent my heart by degrees, and life has become unbearable. I wrote to His Excellency, your father, and I understand that he referred the petition to the Honorable Mr. Wade, Premier, Attorney-General, and that the gentleman in question declined to deal with the matter, as he said it is too early to move. I know that my son is guilty, and that it is only right justice should take its course; but it is clemency that I am pleading for, as my circumstances are very depressing. Clemency through you I expect to get. Will you then take pity on a broken-hearted woman who stands responsible before God and man for the bringing up in a Christian way of her helpless children? Will you use your influence for the release and deportation of my unhappy son, who served now about twenty-one months? As a woman I entreat you by all you hold sacred in this world to be the means of his release before long; because he, no longer, will be a burden to the State, and he will help me in bringing up his brothers and sisters. Besides if he serves, say, three years of his sentence, and the law allows him fifteen months for good behaviour, then he will prefer to serve the last nine months and remain in Australia for the rest of his life. This will be my death-blow, as he will never think of returning home, and consequently I shall lose him altogether.

Just consider the good and Christian action you accomplish in working about his release before he is done two years of his sentence.

May you never know what sorrow is, and may you ever live to enjoy Heaven's choicest blessings. This is the fervent prayer of

The most unfortunate of women,

S. HADBAH.

From previous records the man appears to have made a trade of abortion.—H.H.B. The Hon. the Attorney-General and Minister of Justice.—HARRY H. RAWSON, Governor, 30/1/09. The Comptroller-General of Prisons.—For favour of particulars.—J. L. WILLIAMS, Under Secretary (*per* H.M.), B.C., 2/2/09. Particulars herewith.—F.W.N., C.G.P. 2/2/09. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 3 Feb., 1909.

Sir,

15, Great Buckingham street, Redfern, 5 February, 1909.

I am writing to you under the following conditions:—

A Syrian, by the name of Ben Hadbah, has been sentenced in May of last year for five years' penal servitude for malpractice. There is no doubt that the said Hadbah offended against the sacred laws of the country, and consequently the law dealt with him justly. The news of his imprisonment reached the ears of his mother in Syria, whose heart was broken, as she relies solely upon him for her living and that of her six children, who, after the death of their father, were left helpless and destitute.

The letters I receive from her with regard to her position, if translated into English and submitted to you, would, I am sure, move you to pity and compassion. In her despair, she petitioned His Excellency Sir H. Rawson, who, I believe, referred the matter to you. I also called twice to see you on the subject, but finding you engaged, I then saw the Under Secretary, who told me that on bringing the matter under your notice, you refrained from fixing a date for the release of the unfortunate man.

Now, as the prisoner has served about twenty-one months, and as his conduct is good, I deem it advisable to approach and ask you to take pity on his mother by releasing and deporting him from Australia. I guarantee that he will never set foot on Australian soil again, thus ridding this country of him for ever. I know that if my entreaties to you prove fruitless at present, and if the matter of his release be deferred to a future date, then it will be doubtful whether the prisoner will agree to his being deported, as he is entitled to an allowance of fifteen months, and his time will be up in February, 1911. This is great consideration, and I honestly believe, as a man who has the interest of Australia at heart (I am here for the last eighteen years), that this promising continent can do without men of the prisoner's type.

I am, &c.,

W. ABOURIZK.

The Hon. C. G. Wade,

Premier and Attorney-General, Macquarie-street, Sydney.

Re-submitted with reference to the Premier's decision of the 5th instant.—J.L.W., Under Secretary, 9/2/09. Inform of decision.—C.G.W., 9/2/09.

(09-1,667.)

(09-1,667.) Department of the Attorney-General and of Justice, Sydney, 5 February, 1909.
Subject :—Further request for the release of prisoner Ben Habdah.
 Offence :—Unlawfully using an instrument with intent to procure miscarriage.
 Sentence :—Five years' penal servitude.
 Submitted with reference to the decision of His Excellency the Governor dated the 4th March, 1908.
 Prisoner has now served nearly one year and nine months of his sentence of five years.
 J. L. WILLIAMS,
 Under Secretary.
 No recommendation.—C.G.W., 5/2/09.

PARTICULARS respecting Prisoner Ben Habdah, now confined in the Gaol at Goulburn.
 Conviction.—Sydney Quarter Sessions, 17th May, 1907.
 Offence.—Unlawfully using an instrument with intent to procure miscarriage.
 Sentence.—Five years' penal servitude.
 Judge or Magistrate.—Judge Backhouse.
 Where born.—Syria; 18th January, 1871.
 Recommendation (if any) of Judge or Magistrate and remarks.—Nil.
 Conduct and industry in gaol.—Good.
 Maximum remission for industry and good conduct.—One year, two months, twenty-three days.
 Loss of remission at date of these particulars.—Nil.
 Due for discharge.—23rd February, 1911.

Previous Convictions.

Court.	Date.	Offence.	Sentence.
Albury P.C.	16 Sept., 1905	Breach of Lotteries Act	£10. or six weeks' hard labour. Paid fine at Court.
Do	20 Feb., 1906	Unlawful Assault	£2 8s. Fine paid at Court.

2nd February, 1909. FREDK. W. NEITENSTEIN,
 Comptroller-General of Prisons
 (per J.W.).

(09-2,069.) Department of the Attorney-General and of Justice, Sydney, 10 February, 1909.
Subject :—Further requests for the release of prisoner Ben Habdah or Hadbah.
 Offence :—Unlawfully using an instrument with intent to procure miscarriage.
 Sentence :—Five years' P.S.
 (Mrs. Hadbah, mother of prisoner: Mr. W. Abourizk.)
 His Excellency the Governor,
 I am unable to recommend the remission of any portion of this prisoner's sentence.
 C. G., WADE.

Refused.—HARRY H. RAWSON, Governor, 13/2/09. Returned, 13 Feb., 1909. Mrs. Hadbah, Mr. Abourizk, C.G. Prisons, 15/2/09. Decision noted, and papers returned.—F.W.N., C.G. Prisons, 16/2/09. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 17 Feb., 1909. Put by.—C.D.R., 17/2/09.

No. 6.

A. James, Esq., M.L.A., to The Under Secretary, Department of Justice.
 Dear Mr. Williams, Chambers, 24 February, 1909.
 Can anything be done to comply with the request to get this man out of the country.
 Yours, &c.,
 AUGUSTUS JAMES.

Inform Mr. James that the Premier has had this case under notice on several occasions the last only a few weeks ago, but has declined to make any recommendation in the prisoner's favour.—J.L.W., Under Secretary, 1/3/09. Mr. James, 2/3/09. The Comptroller-General of Prisons, for his information.—E.W.F. (for U.S.), B.C., 3/3/09.

[Enclosure.]

Dear Mr. James, Goulburn, 11 February, 1909.
 The bearer, Mr. Hesenic, is anxious to get you to interest yourself in a countryman of his who is at present undergoing a sentence for some illegal act in Albury. It appears that his people in Syria are very old, and have been interesting their countrymen here in his behalf. Mr. Hesenic not being able to speak English very well, and thinking you, being a stranger to him, may not understand broken English, requested me to write you.
 The prisoner is a doctor named Ben Habdah, is at present in Goulburn Gaol, and has served nearly two years out of five or seven, and his people undertake to see that he goes straight to a ship for Syria the day of liberation.

I hope you will do what you can in the matter.

Yours, &c.,
 C. J. McSHANE.
 (1909—

(1909-3,150.)
Sir,

2 March, 1909.

Adverting to your letter of the 24th ultimo, forwarding a communication from Mr. McShane, of Goulburn, respecting the case of prisoner Ben Habdah (or Hadbah), and inquiring whether the latter could be released with a view to his returning to Syria, I have the honor to inform you that the Premier, Attorney-General, and Minister of Justice has had this case under notice on several occasions, the last only a few weeks ago, but has declined to make any recommendation in the prisoner's favour.

I have, &c.,

A. G. F. James, Esq., M.L.A.,
10, Wentworth Court, Elizabeth-street.

Under Secretary.

Decision noted, and papers returned.—F.W.N., C.G. Prisons, 4/3/09. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 4 Mar., 1909. File.—E.H.S., 8/3/09.

No. 7.

The Under Secretary, Department of Justice, to A. D. Aboude, Esq.

Re Ben Habda.

Dear Sir,

28 September, 1910.

In connection with your request with regard to the abovenamed prisoner, I will be glad if you will call and see me—say on Friday, between 11 and 12 o'clock.

Yours, &c.,

J. L. WILLIAMS,

Under Secretary.

No. 8.

A. D. Aboude, Esq., to The Minister of Justice.

Re Ben Hadbah.

Dear Sir,

76, Regent-street, Redfern, Sydney, 5 October, 1910.

I humbly wish to draw your attention to the release of the above, which has been placed before you previously.

We pray that now that you can release the said Ben Hadbah.

The term of his sentence is now nearly expired, and, on account of the poor circumstances of his mother and sister at home, who have only him to depend on for support, it would be an act of mercy well justified if you acceded to our petition.

Trusting you will give this matter your early and favourable attention.

I have, &c.,

A. D. ABOUDE.

Submitted with reference to the decision of His Excellency the Governor, dated 13/2/1909, on Paper 1909-2,069, and previous decisions on papers attached.

Prison particulars to date are herewith, together with Press report of the trial.

The prisoner has served a little more than three years four and a half months of his sentence of five years' penal servitude. In the ordinary course he would earn a remission of fifteen months, and become due for release on license on 16/2/1911.—J. L. WILLIAMS, Under Secretary, 7/10/1910.

Recommend release on license, usual bonds.—C.G.W., 8/10/10.

PARTICULARS respecting prisoner Ben Habdah, now confined in the Gaol at Goulburn.

Conviction.—Sydney Quarter Sessions, 17th May, 1907.

Offence.—Unlawfully using an instrument with intent to procure a miscarriage.

Sentence.—Five years' penal servitude.

Judge.—His Honor Judge Backhouse.

Where born.—Syria; 18th January, 1871.

Recommendation (if any) of Judge or Magistrate, and remarks.—Nil.

Conduct and industry in gaol.—Good.

Maximum remission for industry and good conduct.—Fifteen months.

Loss of remission at date of these particulars.—Nil.

Due for discharge.—16th February, 1911, upon a license in terms of Reg. 75.

Previous Convictions.

Court.	Date.	Offence.	Sentence.
Albury P.C.	16 Sept., 1905	Breach of Lotteries Act	£10, or six weeks' hard labour. Paid fine at Court.
Do	20 Feb., 1906	Assault.....	Fined £2 5s. Paid at Court.

W. M. MACFARLANE,

Comptroller-General of Prisons.

7th October, 1910.

241—B

Albury

Albury Border Morning Mail, 24 May, 1907.

Ben Hadbah cross-examined.

When the trial of Ben Hadbah took place in Sydney on a charge of having attempted to perform an illegal operation in Albury, the accused gave evidence on his own behalf, denying the offence. In cross-examination Hadbah said that he had qualified at the University of Beyrout as a doctor of medicine and was entitled to practise both in Syria and Turkey, but outside those countries diplomas such as that he had obtained were not recognised. He also stated that he had lost his diploma in Turkey, where he was robbed of it by some men in a boat, and that it was at the age of 19 that he left the University. He admitted that during the seventeen years he was in Australia he had never once communicated with the University, relative to his diploma. His Honor asked Hadbah if 19, the age at which he said he left the University was not a very early age to get a diploma, and the accused replied that he had still a year to go when he left. Senior-Sergeant Brown told the Court that there was a jollification at Nurse Hunter's the night the girl Plunkett's baby was born. In summing up the Judge made reference to this incident, remarking that "it was a poor heart that never rejoices." The accused was remanded for sentence, and it was stated that he intended to appeal. We understand, however, that the idea of appealing has been abandoned, and yesterday several prominent residents were approached with a view of getting recommendations as to character to be placed before the Judge in mitigation of penalty.

Albury Border Morning Mail, 1 June, 1907.

Ben Hadbah sentenced. Albury residents give certificates of character. A heavy penalty. Five years' penal servitude.

(By Telegraph.)

Sydney, Friday.

Ben Hadbah, who was recently found guilty at the Quarter Sessions of attempting to perform an illegal operation at Albury was to-day brought up for sentence.

The principal witness against the accused was a young woman named Irene Plunkett, who gave birth to a child on the morning of the day on which Hadbah's case was set down for hearing at the Albury sitting of the Supreme Court. The case had accordingly to be adjourned, and the trial took place in Sydney, where the accused was convicted.

When Hadbah was presented for sentence to-day his counsel read a number of letters from leading residents of Albury giving the accused a good character, and these were pleaded in mitigation of the penalty.

His Honor in passing sentence said that the offence of which the accused had been found guilty was a very serious one. Referring to the letters that had been put in he said that he did not attach much weight to certificates of character. The accused could not prove whether or not he had any medical qualifications, and the only thing in his favour was that there had been less brutality than was usual in these cases.

The accused was then sentenced to five years' penal servitude.

Department of Prisons, N.S.W., Comptroller-General's Office,

Sir,

Sydney, 7 October, 1910.

In compliance with your telephonic request of even date, I have the honor to forward herewith usual particulars of prisoner Ben Hadbah.

The newspaper report of trial* in this case is at Goulburn, in which gaol the prisoner is at present serving sentence, but if time will permit I will telegraph for it, and forward same to you as soon as possible.

I have, &c.,

W. M. MACFARLANE,

The Under Secretary, Department of the Attorney-General and of Justice.

Comptroller-General.

Telegram from The Comptroller-General of Prisons to Gaoler, Goulburn.

7 October, 1910.

PLEASE post this evening newspaper report in case of Ben Hadbah. Urgent.

Herewith.—CHAS. GRAHAM, Governor, 7/10/10. The C.G. of Prisons.

Forwarded in conjunction with usual particulars of the prisoner, which were sent to you yesterday.—W. M. MACFARLANE (*per* J.W.), Comptroller-General, 8th Oct., 1910. The Under Secretary, Dept. of the Attorney-General and of Justice.

New South Wales, }
to wit:

Affidavit of Justification.

The King v. Ben Hadbah.

Mr. Kabell Mockbell, of "Matoppo," Arthur-street, Lavender Bay, in the State of New South Wales, and Mr. Abraham Daher Aboude, of 76, Regent-street, Redfern, in the said State, who severally offer themselves as sureties for the abovenamed Ben Hadbah, severally make oath and say:—

1. And first, this deponent, the said Mr. Kabell Mockbell, for himself saith: I am a merchant, residing at "Matoppo," Arthur-street, Lavender Bay, in the said State, where I have resided for the last six months and upwards, and am worth property to the amount of forty (£40) pounds over and above all my

* See Press report with previous papers attached (where marked).

my just debts and liabilities, and over and above every other sum for which I am now bail or surety, and such property to the value aforesaid consists of contents of two shops situated at 80 and 82, Elizabeth-street, Sydney, and 16, Pitt-street, Sydney.

2. And this deponent, the said Mr. Abraham Daher Aboude, for himself saith: I am a handkerchief manufacturer, residing at 76, Regent-street, Redfern, in the said State, where I have resided for the last six months and upwards, and am worth property to the amount of forty (£40) pounds over and above all my just debts and liabilities, and over and above every other sum for which I am now bail or surety; such property to the value aforesaid consists of household furniture.

K. MOCKBELL.
ABRAHAM D. ABOUDE.

Sworn at Sydney, in the State aforesaid, by the said Mr. Kabell Mockbell and Mr. Abraham Daher Aboude, the thirteenth day of October, in the year of our Lord one thousand nine hundred and ten, before me, the undersigned, one of His Majesty's Justices of the Peace in and for the said State of New South Wales.

JAS. WHITLOW, J.P.

New South Wales, }
to wit. }

Recognizance to be of Good Behaviour.

Under Section 463 of the Crimes Act, 1900, No. 40.

WHEREAS Ben Habdah was on the seventeenth day of May, in the year of our Lord one thousand nine hundred and seven, convicted before the Court of Quarter Sessions held at Sydney, in the said State, and sentenced by the said Court to five years' penal servitude, which said sentence is still valid and subsisting: And whereas His Excellency the Right Honourable Frederic John Napier, Baron Chelmsford, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State of New South Wales and its Dependencies, has been pleased to issue to the said Ben Habdah a license, under Section 463 of the Crimes Act, 1900, No. 40, to be at large within the limits of the county of Cumberland or such other limit as His Excellency may at any time appoint, on the conditions indorsed hereon: And whereas His Excellency the Governor has been pleased to accept the recognizance of Mr. Kabell Mockbell and Mr. Abraham Daher Aboude as his sureties in the respective amounts hereinafter mentioned: Now therefore be it remembered that on the thirteenth day of October, in the year of our Lord one thousand nine hundred and ten, the said Mr. Kabell Mockbell, of "Matoppo," Arthur-street, Lavender Bay, in the said State of New South Wales, and the said Mr. Abraham Daher Aboude, of 76, Regent-street, Redfern, in the said State of New South Wales, came before me, the undersigned, one of His Majesty's Justices of the Peace in and for the said State, and acknowledged themselves to owe to Our Sovereign Lord the King, to wit, the said Mr. Kabell Mockbell the sum of forty pounds of good and lawful British money, and the said Mr. Abraham Daher Aboude the sum of forty pounds of like good and lawful British money, to be respectively made and levied of their several goods and chattels, lands and tenements, to the use of Our said Sovereign Lord the King, His Heirs and Successors, if the said Ben Habdah shall fail in performing the condition underwritten.

The condition of this recognizance is such that if the said Ben Habdah shall be of good behaviour towards Our Sovereign Lord the King and all His liege people, and observe the conditions of the said license issued to him until the sixteenth day of May, 1912, then the said recognizance shall be void, or else remain in its full force and virtue.

Conditions of License.

(1) That the said Ben Habdah shall place himself in charge of some officer or constable appointed for that purpose, and remain in, and travel under, his charge until he shall have reported himself to the officer-in-charge at the Central Police Station at Sydney.

(2) Thereafter he shall report himself on the first Saturday in each month to the officer-in-charge of the Central Police Station at Sydney, or at such other place in substitution therefor as His Excellency may at any time appoint.

K. MOCKBELL.
ABRAHAM D. ABOUDE.

Acknowledged before me, at Sydney, in the State aforesaid, }
this thirteenth day of October, A.D. 1910,— }

JAS. WHITLOW, J.P.

New South Wales, }
to wit. }

Notice of being bound to be of Good Behaviour.

TAKE notice that you, Mr. Kabell Mockbell, of "Matoppo," Arthur-street, Lavender Bay, in the State of New South Wales, merchant, are bound in the sum of forty pounds (£40), and you, Mr. Abraham Daher Aboude, of 76, Regent-street, Redfern, in the said State of New South Wales, handkerchief manufacturer, are bound in the sum of forty pounds (£40), that unless Ben Habdah do be of good behaviour towards Our Lord the King and all His liege people in the State of New South Wales, and observe the conditions of the license issued to him under Section 463 of the "Crimes Act, 1900," until the sixteenth day of May, 1912, the recognizance entered into by you the said Mr. Kabell Mockbell, and you the said Mr. Abraham Daher Aboude, will be forthwith levied on you.

Dated this thirteenth day of October, in the year of our Lord one thousand nine hundred and ten.

JAS. WHITLOW, J.P.

A true copy of the above was served on the abovenamed Mr. Kabell Mockbell and Mr. Abraham Daher Aboude, by me.—JAS. WHITLOW.

(1910-

(1910-15,769.)

Department of the Attorney-General and of Justice,

His Excellency the Governor,

10 October, 1910.

I recommend that prisoner Ben Habdah be released on license upon his entering into a bond in the sum of £80, with two sureties in the sum of £40 each, or one surety in £80.

CHARLES W. OAKES.

Appd.—CHELMSFORD, 11/10/10. Returned 11th Oct., 1910. Will the Comptroller-General of Prisons be good enough to ascertain where the prisoner would reside if released on license?—D.R.J. (for U.S.), B.C., 11/10/1910.

(10-16,149.)

Release of Ben Habdah on License.

BEN HABDAH was released from Goulburn Gaol on the 15th instant, and was placed in the custody of a police constable for the purpose of being escorted to Sydney in accordance with the conditions of his license.

W. M. MACFARLANE,

The Under Secretary,

Comptroller-General Prisons,

Department of the Attorney-General and of Justice.

19/10/1910.

Returned, 24 Oct., 1910.

Entered in register, 24/10/10.

Put by.—C.D.R., 25/10/10.

No. 9.

The Under Secretary, Department of Justice, to J. L. Fegan, Esq.

(10-15,769.)

Sir,

11 October, 1910.

Referring to personal inquiries with regard to the petition of Mr. A. D. Aboude (76, Regent-street, Redfern) for the release of prisoner Ben Habdah, I have the honor to inform you that His Excellency the Governor has been pleased to approve of the prisoner being released forthwith on license, provided that he find two sureties in the sum of £40 each, or one in £80, for his observance of the terms of the license until the termination of the period of the sentence imposed on him, viz., until the 16th May, 1912.

I have, &c.,

Under Secretary.

No. 10.

Minute by The Minister of Justice.

Subject:—Issue of license to prisoner Ben Habdah, authorising him to be at large under Section 463 of the "Crimes Act, 1900," No. 40.

His Excellency the Governor,

I recommend that prisoner Ben Habdah be released from custody, upon the issue to him of a license to be at large under the provisions of Section 463 of the "Crimes Act, 1900," No. 40, and I suggest that the limits of the license be the county of Cumberland or such other limits in substitution therefor as His Excellency may at any time appoint, and that such license be issued subject to the following conditions:—

- (1) That upon the issue of the license, prisoner place himself in charge of some officer or constable appointed for that purpose, and remain in, and travel under, his charge until he shall have reported himself to the officer-in-charge of the Central Police Station at Sydney.
- (2) That thereafter the prisoner shall report himself on the first Saturday in each month to the officer-in-charge of the Central Police Station at Sydney, or at such other place in substitution therefor as His Excellency may at any time appoint.
- (3) That the duration of the license shall be for the unexpired portion of the prisoner's sentence.
- (4) That the prisoner shall be, and continue to be, of good behaviour during the term of the license.

I also recommend as a condition to the issue of the license that prisoner enter into a bond in the sum of £80, with two approved sureties who must justify in the sum of £40 each, or one surety in the sum of £80, for his good behaviour and due observance of the conditions of the license.

JOHN GARLAND,

12/10/1910.

Approved.—CHELMSFORD, 13/10/10.
Returned 13th Oct., 1910.

I.G.P., C.G.P., 13/10/10.

License issued, 13/10/10.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING THE CASES EDWARD VERNAL CARR AND JOHN HEAZLETT—FORGERY AND UTTERING.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

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Minute by The Under Secretary, Department of the Attorney-General and of Justice.

Subject :—Rex v. Carr.—Forgery and uttering.

Department of the Attorney-General and of Justice, Sydney, 4 November, 1910.

Submitted. The above case has been marked by Mr. Crown Prosecutor White for trial.

The offence charged is that Carr altered a booth license issued to him by the Treasury by altering the time for ceasing to sell from 6 to 7 p.m. In the first instance Carr was proceeded against for selling after 6 p.m. without a license, and he was convicted and fined £30 and costs. Just about the same time an almost identical case occurred in the Braidwood district. Proceedings were taken against the publican, but the Bench of Magistrates (overruling the P.M.) dismissed the charge. The Solicitor-General then directed that further proceedings should be instituted against Heazlett for forgery, and an indictment was filed.

Carr's case was then brought under the Solicitor-General's notice, and he decided that, in view of criminal proceedings having been instituted against Heazlett, similar proceedings must be taken against Carr. Carr was subsequently committed for trial.

Last week Heazlett was tried at Braidwood Quarter Sessions, but the jury acquitted. The question is therefore submitted for the Attorney-General's determination whether the proceedings are to be continued against Carr. He has been punished once for his offence.

J. L. WILLIAMS,
Under Secretary.

I decline to prosecute.—W.A.H., 4/11/10. See action noted on back sheet of depositions No. 10/204, Q.S. File.—C.F.N., 11/11/10.

[Enclosures.]

Re E. V. Carr, under committal Mudgee Quarter Sessions, charged with forgery and uttering.
Inquiry by the Clerk of the Peace.

No. 4 Police-station, George-street North, City, 31 October, 1910.

CONSTABLE BEST, No. 7,057, reports:—That he interviewed Mr. Horniman at the Treasury on the 26th instant. He informed the constable that William McPherson enclosed the license referred to, but that he was away in the country on holidays, and would not return until the 31st instant. The constable informed Mr. Chapman, of the Crown Law Office, accordingly, who requested the constable to retain the papers until the official could be seen.

The constable interviewed Mr. McPherson on this date, who is employed as junior clerk at the Treasury, and residing at Hunter-street, Hornsby. Mr. McPherson informed the constable that he has no recollection of enclosing the license referred to, and could not say what condition the license was in when it was enclosed.

THOMAS J. BEST,
Constable.

Sub-Inspector Matthews, No. 4 Station.

Forwarded to the Superintendent of Police, Sydney.—E. W. MATTHEWS, Sub-Inspector, 31/10/10.
Forwarded to the Inspector-General of Police.—A. R. SHERWOOD, Superintendent, Nov. 1, 1910. The Clerk of the Peace.—THOMAS GARVIN, Inspector-General of Police, Nov. 1, 1910 (*per* E.C.D.).

Subject:—Report in reference to E. V. Carr, under committal Mudgee Quarter Sessions, charged with forgery and uttering.

Police Station, Capertee.

SENIOR-CONSTABLE ROSE begs to report that he is informed that the Mr. Dalton referred to on attached is the Manager of the Australian Bank of Commerce at Rylstone.

The senior-constable has also been informed by Mr. V. Horniman, who has already given evidence in the case, that the license was in order when it left the Treasury.

Will Sergeant Lord please obtain a statement from Mr. Dalton, and forward papers to Sub-Inspector Atkinson, who may be pleased to have further inquiries made at the Treasury from the official who actually enclosed the license for posting.

W. H. ROSE,
Senior Constable.

The Officer in charge of Police, Rylstone.

Police Station, Rylstone, 19 October, 1910. Sergeant Lord begs to forward statement from Mr. Dalton as requested.—E. C. LORD, Sergeant. Sub-Inspector Atkinson, Mudgee.

Forwarded. Will the Superintendent please cause papers to be forwarded to Sydney police for inquiry at the Treasury.—JONATHAN ATKINSON, S. Insp., Mudgee, Oct., 21st 1910. The Superintendent of Police, Bathurst.

Forwarded for information of the Inspector-General, who will perhaps be pleased to cause the necessary inquiries to be made, and a report furnished the Clerk of the Peace.—W. J. ANDERSON, Sub-Inspector, in absence of Superintendent of Police, Bathurst, 22/10/10. The Inspector-General of Police, Sydney.

For inquiry and report.—THOMAS GARVIN, Inspector-General of Police, Oct. 24, 1910 (*per* E.C.D.)
The Superintendent, Metropolitan Police. Mr. E. W. Matthews.—A. R. S., Supt., 24/10/10.

Rylstone, 19 October, 1910.

HERBERT R. DALTON states:—I am the Manager of the Australian Bank of Commerce, Rylstone; I remember the 16th February last; I was in the bank attending to Mr. Carr, hotelkeeper, of Capertee; Mr. Howe, C.P.S., of Rylstone, came into the bank and handed Mr. Carr two certificates for booth licenses; Mr. Carr immediately handed the certificates to me and I forwarded them to the Under Secretary, Finance and Trade, Sydney, with a draft for £2; I believe the certificates were for booth licenses at Torbane and Capertee.

H. R. DALTON.

Witness—E. C. LORD, Sergeant.

Issue subpoena for Mr. Dalton.—C.A.W., 2/11/1910. Issued, 2/11/10.

The Clerk of the Peace, Sydney, to The Superintendent of Police, Bathurst.

Office of the Clerk of the Peace, Sydney, 14 October, 1910.

WITH reference to the case mentioned in the margin, be good enough to have me furnished with the following:—

1. A statement from Mr. Dalton, who should be able to say (if possible) whether the application was handed to him by the accused or by Mr. Howe.
2. A report as to what evidence can be obtained as to the condition of the license when it was forwarded from the Department. What does the official who enclosed it for posting from the Treasury say on this matter?

Senior-Constable Rose, of Capertee, is in charge of the case.

W. R. BEAVER,
Clerk of the Peace.

Forwarded to Senior-constable Rose for careful attention and report through Mudgee.—
ALEX. JOHNSTON, Superintendent of Police, Bathurst, 15/10/10. Sen.-Constable Rose, Capertee.

The

The Under Secretary, Department of the Attorney-General and of Justice, to
The Acting Clerk of Petty Sessions, Bathurst.

16 August, 1910.

The proceedings in the case of Edward Vernal Carr, fined £30 for a breach of the Liquor Act, are returned under separate cover.

The Minister of Justice has not seen fit to recommend the remission of any portion of the fine imposed in this case.

Under Secretary.

The Under Secretary, Department of the Attorney-General and of Justice, to
J. Dooley, Esq., M.L.A.

16 August, 1910.

Sir,

Referring to letter presented by you at this Department from Mr. E. V. Carr, of Capertee, applying for remission of the fine of £30 imposed on him at the Police Court at that place for selling liquor without a license, I am directed to inform you that the Minister of Justice has carefully considered the application, but is unable to recommend to His Excellency the Governor that any portion of the fine be remitted.

I have, &c.,

Under Secretary.

The Under Secretary, Department of the Attorney-General and of Justice, to
The Police Magistrate, Tamworth.

Sir,

15 August, 1910.

Referring to your report, dated the 6th instant, respecting the case of Edward Vernal Carr; who was fined £30 and costs at the Capertee Police Court on the 24th June last, for selling liquor without a license, I am directed to inform you that the Minister of Justice has not seen fit to recommend to His Excellency the Governor that any portion of the fine be remitted.

I have, &c.,

Under Secretary.

Minute by The Under Secretary, Department of the Attorney-General and of Justice.

Subject :—Application for remission of the fine imposed on E. V. Carr, at Capertee. Offence: Selling liquor without a license. Fine: £30, and 6s. costs.

Department of the Attorney-General and of Justice, Sydney, 13 August, 1910.

Submitted. Court papers, police report, and report of the Police Magistrate, Mudgee, are attached.

It appears that defendant was granted a booth license for the sale of liquor between 8 a.m. and 6 p.m., and that he continued selling until nearly 7 p.m. It was in respect of the sale between 6 and 7 p.m. that he was fined as above. On examination of the booth license by the police it was found that the figure "6" (6 p.m.) had been altered on the license to "7" (7 p.m.), and the senior-constable in charge of the case reports that he feels quite confident that the defendant made the alteration with intent to defraud. On other papers (now with the Crown Solicitor for action) the Minister directed the prosecution of Carr for forgery in respect of this alteration.

A similar prosecution is (by direction of the Minister) pending against a man named John Heazlett, of Braidwood, for similarly altering a booth license without authority.

J. L. WILLIAMS,

Under Secretary.

No recommendation.—J.G., 15/8/10. Mr. Dooley, M.L.A., P.M., Tamworth, Acting C.P.S., Capertee (with depts.), 16/8/10. Deps. case of John Heazlett to Clerk of Peace, 16/8/10. Put by.—C.D.R., 17/8/10.

[Enclosures.]

Sir,

Court-house, Mudgee, 6 August, 1910.

With reference to the fine imposed on E. V. Carr, at Capertee, for a breach of section 45 of the Liquor Act, 1898, I have the honor to report that my written judgment, attached, gives all particulars in the case.

I have been staying at Carr's hotel when attending the Capertee Police Court for the last seven years, and I have always found his place well conducted. He is a man of good character, and this is the first occasion of any breach of the Liquor Act on his part.

Seeing that the fine was a heavy one, in view of his good character, I stated that I would recommend a remission of part of the fine. Entirely on the question of his previous good character, the case is one, I think, that clemency might be shown and some reduction made in the fine.

Court papers are forwarded under separate cover.

I have, &c.,

O. A. EDWARDS,

Police Magistrate.

The Under Secretary,

Department of the Attorney-General and of Justice, Sydney.

Police versus Carr.

Defendant charged with selling liquor without being the holder of a license. He is already holder of a publican's license, and made application for booth license to the Licensing Court at Rylstone, for "certificate authorising the issue of a booth license" for sports to be held at Torbane on the 19th February, 1910. There was no police objection, and after some argument between the members of the Licensing Bench, the application was granted; no hours were mentioned by the Licensing Chairman from the Bench, and certificate (*Exhibit "D"*) was prepared by the C.P.S., and signed by the Chairman.

The

The certificate authorised the issue of a booth license for seven days between the hours of 8 a.m. and 6 p.m. This certificate was forwarded to the Treasury, and a booth license (*Exhibit "B"*) made out in terms of certificate.

Liquor was sold on that day up to nearly 7 p.m., and it is for selling liquor after 6 p.m. that defendant is being proceeded against. On the evidence, I am satisfied that the license was issued by the responsible officer at the Treasury to sell liquor between the hours of 8 a.m. and 6 p.m., and there is no doubt that the 6 has been erased and a 7 inserted. This, I am satisfied, was done after it left the Treasury. The defendant denies that he made the alteration, or that he knows anything of any alteration, and further relies on the defence that, as the Licensing Court at Rylstone granted his application, which stated no hours, and no hours were mentioned in Court when the application was granted, the certificate should not have set out any hours, and consequently he was entitled to sell up to 11 p.m. I cannot see that I have any jurisdiction to inquire into the manner the certificate (*Exhibit "D"*) has been issued by the Rylstone Licensing Court. My opinion is that the certificate, whether irregularly issued or not, must stand, as its validity or otherwise could only be determined by a higher Court. I have no jurisdiction to constitute myself a Court of Appeal, and decide that the certificate should have issued without any hours being stated.

Apart from the question of having jurisdiction to inquire into the manner of the issue of the certificate to defendant, the fact remains that he did not question the certificate in any way, nor did he question the license, but seemingly was satisfied with both.

Being satisfied that the license, as issued, limited the hours of selling to 6 p.m., and that defendant sold after that hour, the only conclusion that I can come to is that he is guilty of the offence with which he is charged.

He is ordered to pay a fine of £30, and 6s. costs; in default, two months' hard labour in Bathurst Gaol.

One month allowed for payment of fine.

24 June, 1910.

O. A. EDWARDS, P.M.

The Inspector-General of Police to The Under Secretary, Department of the Attorney-General and of Justice.

Fine of £30 imposed on E. V. Carr, at Capertee, for a breach of the Liquor Act, 1898, section 45.

Police Department, Inspector-General's Office, Sydney, 26 July, 1910.

POLICE reports herewith, for information. This is the case in which it was instructed that proceedings be instituted for forgery.

THOMAS GARVIN,
Inspector-General of Police
(*per E.C.D.*)

Returned, 27 July, 1910. Referred to the Police Magistrate, Mudgee, for favour of report and Court papers.—J. L. WILLIAMS, Under Secretary (*per D.R.J.*), B.C., 30th July, 1910.

[*Enclosure.*]

Subject:—*Re* E. V. Carr, licensee of the "Camp Inn," Capertee, applying for the remission of a fine imposed upon him by the Capertee Bench for "selling liquor without being the holder of a license authorising the sale of same," at Torbane, on the 19th February, 1910.

Police Station, Capertee, 22 July, 1910.

SENIOR-CONSTABLE ROSE begs to report:—That Mr. E. V. Carr was, at the Capertee Police Court, on the 24th June ultimo, fined the sum of £30, and 6s. costs of Court, on the above charge, before the Police Magistrate of Mudgee, sitting alone.

It appears that on the 19th February last the defendant had a "booth" at Torbane, about 5 miles from Capertee. His license was for the sports meeting at Torbane, and the hours fixed for selling liquor were from 8 a.m. to 6 p.m. The police noticed that there had been an alteration made on the license, the figure 6 having been erased, and the figure 7 substituted.

At 6 p.m. on the day of the sports the senior-constable drew defendant's attention to the alteration, and he (Carr) said, "Yes, it appears a bit smudged, but I am only going to sell until half-past 6."

He continued selling liquor, and sold up to 7 p.m. On the 8th March last the senior-constable had a conversation with defendant in reference to the matter. He denied all knowledge of the alteration, but could not say how it could be done. He said he could not remember what date it was that he received the license, nor whom it was brought the letter containing the license from the Post Office.

The senior-constable was subsequently instructed to proceed against defendant under section No. 45 of the Liquor Act, which was done.

Defendant pleaded not guilty and strenuously defended the case, and contended, through his attorney, that when the Chairman of the Licensing Bench at Rylstone granted the certificate authorising the issue of a booth license, he just said "Granted," and, therefore, he (Carr) was entitled to sell until 11 p.m., as there were no hours mentioned.

The Police Magistrate said that he was satisfied that a breach of the section No. 45 of the Liquor Act had been committed, and fined the defendant £30, and 6s. costs of Court, in default two months' hard labour in Bathurst Gaol. The senior-constable feels quite confident that the alteration was made by the defendant, with intent to defraud, and therefore trusts that his officers will oppose any remission of the fine being made.

Sub-Inspector Atkinson, Mudgee.

W. H. ROSE,
Senior Constable.

Forwarded to the Superintendent. There is no doubt in my mind but that the figures on the booth license were manipulated by Carr.—JONATHAN ATKINSON, S.-Insp., Mudgee, July 23rd, 1910. The Superintendent of Police, Bathurst.

Forwarded for information of the Inspector-General.—W. J. ANDERSON, Sub-Inspector, in abs. Superintendent of Police, Bathurst, 5/7/1910. The Inspector-General of Police, Sydney.

The

The Inspector-General of Police to The Superintendent of Police, Bathurst.

Police Department, Inspector-General's Office, Sydney, 15 July, 1910.

REFERRED for careful inquiries and report.

THOMAS GARVIN,

Inspector-General of Police (absent)

(per E. C. DAY, Supt.).

Forwarded to Sub-Inspector Atkinson for inquiries and report, please.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 20/7/1910. Sub-Inspector Atkinson, Mudgee. Forwarded to Senior-Constable Rose for full and comprehensive report.—W. GUEST, Sen. Constable (in abs. of Sub-Inspector), Mudgee, 21/7/10. Senior-Constable Rose, Capertee.

J. Dooley, Esq., M.L.A., to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

Parliament House, Sydney, 9 July, 1910.

I have the honor to enclose herewith a letter from Mr. E. V. Carr, of the "Camp Hotel," Capertee, who was fined £30 on the 24th June last for selling liquor without a license, at Torbane, on 19th February, 1910. As the fine is a very heavy one, I would be glad if you could consider an application for refund of part of same.

I have, &c.,

J. DOOLEY

(per O.S.).

The Inspector-General of Police, in the first instance, for favour of report.—D.R.J. (for Under Secretary), B.C., 14/7/1910.

[Enclosure.]

Jas. Dooley, Esq.,

Parliament House.

Dear Mr. Dooley,

The "Camp Hotel," Capertee, 4 July, 1910.

I suppose you have seen where I was fined £30 for selling after hours at Torbane Sports. However, I am enclosing you the report of the case, taken from the Mudgee *Guardian*, and you will note the remarks of the Police Magistrate, where he states that if the proper authorities are approached I may get the whole or part of the fine remitted, and gave me a month to pay, so I have two weeks from next Friday before I have to pay it in. Will you intercede on my behalf to get this done for me; by so doing you will confer a great favour. Or if you think it advisable for me to come down, so as I could answer any questions that may be asked, drop me a line by return, and I will come down at once. Trusting you will grant me the favour I ask.

I am, &c.,

E. V. CARR.

Minute by The Under Secretary, Department of the Attorney-General and of Justice.

Subject:—Case of Edward Vernal Carr, licensee of "Camp Inn," Capertee, who was fined £30 for selling liquor without a license.

Department of the Attorney-General and of Justice, Sydney, 13 July, 1910.

Submitted. The Inspector-General of Police submits the attached papers for the Minister's consideration as to whether further proceedings should be taken against Carr in respect of the alteration in the figures of the booth license.

The Minister's attention is invited to the reports of Sub-Inspector Atkinson of the 4th and 9th March, and Senior-Constable Rose of the 8th March, as to whether the evidence would support a charge of forgery.

J. L. WILLIAMS,

Under Secretary.

See minutes on 10-10,636.

(10-10,636.)

[Enclosures.]

Edward Vernal Carr, Licensee of the "Camp Inn," Capertee—Breach of Liquor Act.

Police Department, Inspector-General's Office, Sydney, 8 July, 1910.

The hearing of the case against Carr was concluded at the Capertee Police Court on the 24th ultimo, when defendant was fined £30, 6s. costs, in default two months, hard labour.

A similar case to Carr's recently occurred at Major's Creek (i.e., the alteration of a booth license as to hours of sale); the licensee, J. Heazlett, was brought before the Braidwood Court on a charge of forgery, upon which he was discharged.

The Solicitor-General has since decided to file a bill against him in connection with the matter. Perhaps I might be directed as to whether any further proceedings should be taken against Carr in respect of the forgery.

T. GARVIN,

Inspector-General of Police.

The Under Secretary,

Department of the Attorney-General and of Justice, Sydney.

Crown Solicitor. Proceed against Carr for forgery.—J.G., 15/7/10. The Crown Solicitor.—D.R.J. (for U.S.), B.C., 15/7/10.

10-1,020. Prosecution of Edward Vernal Carr, licensee of "Camp Inn," Capertee—forgery of booth license. On the 23rd instant, at Mudgee Police Court, before Mr. Helm, P.M., Carr was committed for trial to the Mudgee Quarter Sessions on the 8th November next. Bail allowed.—JNO. V. TILLET, Crown Solicitor, B.C., 26/9/10. The Under Secretary, Dept. of Attorney-Genl. & Justice,

Seen.—J.L.W., 27/9/10. File.—F.W.F., 29/9/10.

Extract

Extract from the "Sydney Morning Herald."

Breach of the Liquor Act.—A Peculiar Case.

Lithgow, Monday.

At the Cullen Police Court, E. V. Carr, licensed hotelkeeper, was proceeded against for selling liquor without a license at Torbane on 19th February last. The case presented some curious features. Evidence was given by a Treasury official to the effect that a booth license was issued to defendant for sports at Torbane, the hours being from 8 a.m. to 6 p.m. The figure 6, it was stated, had been altered to 7 after the license left the Treasury. A Capertee constable deposed that he drew defendant's attention to the figure 7 on the license, and defendant remarked that it appeared to be a bit smudged. The constable also deposed that defendant kept the booth open and sold liquor till about 7 o'clock on the day in question. Defendant (Carr) deposed that he got the license from the Treasury either on the morning of the sports or the morning before. He did not peruse it, and only noticed the hours from 8 a.m. to 7 p.m. on the morning of the sports. He could not account for the smudge and alteration, and the license was in the same state when he first noticed it. He did not make any alteration, nor did he know of anyone who did. Defendant was fined £30, with 6s. costs. One month was allowed for payment.

*Subject:—*Re E. V. Carr, charged at the Capertee Police Court with a breach of section No. 45 of the Liquor Act.

Police Station, Capertee, 24 April, 1910.

SENIOR CONSTABLE ROSE begs to report:—That the above-mentioned case was heard at the Capertee Police Court on the 22nd instant, and evidence was taken; and after Mr. R. A. Monro-King, the defendant's attorney, had addressed the Bench, he applied for an adjournment for a month in order to allow of him calling the Licensing Magistrates of the Rylstone district to give evidence, and an adjournment was granted until the 20th of May next.

A report will be furnished in due course.

W. H. ROSE,
Senior Constable.

The Officer-in-charge of Police, Mudgee.

Forwarded for the Superintendent's information.—W. GUEST, Senior-Constable (in absence of Sub-Inspector), Mudgee, 26/4/10. Mr. Superintendent Johnston.

Forwarded for information of the Inspector-General, and in connection with previous papers, same subject, forwarded on 21/4/1910.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 27/4/1910. The Inspector-General of Police, Sydney.

Forwarded for information of the Under Secretary, Dept. of the Attorney-General and of Justice. Final result of case will be submitted in due course.—THOMAS GARVIN, Inspector-General of Police (*per* E.C.D.), Apr. 28, 1910.

Returned, 29 Apr., 1910. The Inspector-General of Police,—No report of the result of the case has yet been received from the police.—D.R.J. (for U.S.), B.C., 7/7/10.

The Inspector-General of Police to The Superintendent of Police, Bathurst.

E. V. Carr, Breach of Liquor Act at Capertee.

Police Department, Inspector-General's Office, Sydney, 18 April, 1910.

PLEASE return papers in above matter as quickly as possible. Sent Bathurst 16/3/10.

THOMAS GARVIN,
Inspector-General of Police
(*per* E.C.D.).

Forwarded to Senior-Constable Rose, who will please return the papers referred to direct to this office. The case was adjourned to 22nd instant.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 19/4/1910. Sen.-Const. Rose, Capertee.

Police Station, Capertee, 20 April, 1910.

Senior-Constable Rose begs to forward herewith, as directed, all papers in connection with the above case, with the exception of the license, which is required as an exhibit at the trial on the 22nd instant. A report of the result will also be furnished.—W. H. ROSE, Senior Constable. The Superintendent of Police, Bathurst.

Forwarded to the Inspector-General.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 21/4/1910. The Inspector-General of Police, Sydney.

*Subject:—*Re E. V. Carr, of the "Camp Inn," Capertee, charged under section No. 45 of the Liquor Act.

Police Station, Capertee, 20 March, 1910.

SENIOR-CONSTABLE ROSE begs to report that the case was called on the 18th before the local Bench, the Police Magistrate sitting alone, and after the evidence of the Treasury Officer, Mr. Horniman, had been taken, the defendant applied for an adjournment; at the same time admitted selling liquor from 6 to 7 o'clock p.m. on the 19th ultimo. The police did not oppose the application, as Mr. Horniman had, in error, brought the wrong certificate authorising the issue of a booth license, which was material evidence.

An adjournment was made until the 22nd April, when the Police Magistrate sits again.

All papers in connection with the case are held at Capertee.

W. H. ROSE,
Senior Constable.

Sub-Inspector Atkinson, Mudgee.

Forwarded for the Superintendent's information.—JONATHAN ATKINSON, S.Inspr., Mudgee, March 22nd, 1910. The Superintendent of Police, Bathurst. Report in due course, through Mudgee, the result of proceedings.—L. J. H. COLYER, Sergeant and Clerk (in absence of the Superintendent of Police), Bathurst, 23/3/1910. Sen.-Constable Rose, Capertee.

Minute

Minute by The Under Secretary, Department of the Attorney-General and
of Justice.

Subject:—Question of prosecuting Edward V. Carr, licensee of the Capertee "Camp Inn," for selling liquor at sports held at Torbane, on the 19th ultimo, beyond the hours authorised by his booth license.

Department of the Attorney-General and of Justice, Sydney, 14 March, 1910.

Submitted. These papers disclose that Carr was granted a certificate for a booth license by the Licensing Bench at Rylstone for a sports meeting at Torbane on the 19th ultimo, the hours of sale being fixed by the certificate from 8 a.m. to 6 p.m. A license was issued by the Treasury (in which the hours, 8 a.m. to 6 p.m., were inserted), and sent to Mr. Carr. On the day of the sports the police at Capertee drew Carr's attention to the fact that the hour 6 p.m. had been altered to 7 p.m., and he replied, "Yes, I saw that, and it appears to have been smudged; but I am going to close up at half-past 6." He, however, continued to sell at the booth until 7 p.m., and then closed.

The Receiver at the Treasury is satisfied that the alteration was made after the license left that Department, and mentions that this is the second case within a week or two that booth licenses have been manipulated.

The police have made searching inquiries in the matter, and, although Carr maintains that the license was in its present state when he received it, it seems a reasonable inference that he, or someone on his behalf, made the alteration. The police have sufficient evidence on which to proceed for selling after 6 p.m.

The Inspector-General of Police submits the question of instituting proceedings under section 45 of the Liquor Act, 1898, for selling liquor without holding a license.

G.W.
(for Under Secretary).

Take action.—J.G., 15/3/10. The Inspector-General of Police.—E.W.F. (for U.S.), B.C., 15/3/10. Please return in due course. Lay information against E. V. Carr, breach section 45, Liquor Act, papers following. Wired Mudgee, 15/3/10. For information of the Superintendent of Police, Bathurst,—Have directed Mudgee police to lay an information. Report result in due course.—T. GARVIN, Inspector-General of Police, Mar. 15, 1910.

Forwarded to Sub-Inspector Atkinson for attention, and report in due course when the case has been dealt with.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 16/3/1910. Sub-Inspector Atkinson, Mudgee.

For information and attention.—JONATHAN ATKINSON, S-Insp., Mudgee, March 17, 1910. Senior-Constable Rose, Capertee.

[Enclosures.]

Superintendent's Office, Police Department, Western District, 10 March, 1910.

Subject:—Booth license issued to Mr. E. V. Carr, of the "Capertee Inn," Capertee, alleged to have been materially altered as regards hours of selling.

Forwarded for information of the Inspector-General.

THERE can be no doubt but that Carr altered the hours of selling from 6 p.m. to 7 p.m.

He had a big sale of liquor at the booth on the day referred to, and, no doubt, as he was taking money fast he was anxious to keep on selling.

There is not sufficient evidence to establish a *prima facie* case of forgery, but there is a strong case against him for selling liquor without a license (see section 45 of the Liquor Act), between 6 and 7 o'clock p.m. on the 19th February last, and I would ask that authority to lay an information against Carr be forwarded to Sub-Inspector Atkinson, Mudgee, at once.

I would ask that this be treated as an urgent matter.

ALEX. JOHNSTON,
Superintendent of Police.

The Inspector-General of Police, Sydney.

Referred to the Under Secretary, Dept. of Attorney-General and of Justice, Sydney.—T. GARVIN, Inspector-General of Police, Mar. 11, 1910.

Police Department, Sub-Inspector's Office, Mudgee, 4 March, 1910.

Subject:—Booth license issued to E. V. Carr, Capertee.

FORWARDED to Senior-Constable Rose for information, further attention, and report.

It would seem clear that this license has been manipulated, and as Carr is the only person likely to benefit by such alteration, the presumption is very strong that it was he who made it.

It may be that a charge of forgery can be substantiated, or failing that, a charge under section 45 of the Liquor Act for selling without a license authorising thereof.

As regards a charge of forgery, it will be necessary to bring forward evidence that Carr made the alteration or was a party to it. He should be carefully interrogated as to who received the letter containing the license, when, who opened it, and whether the license then bore the same appearance as now. In whose possession was the license from the time of receipt until examined by the senior-constable. Carr might be asked to make a figure 7 with the ink he has in use, a sample of which might be obtained and compared with that with which the alteration has been made. Did Carr show this license to any person before the senior-constable saw it? Who assisted at the booth at Torbane? They should be carefully questioned. If Carr is carefully handled it is just possible that he may make some admission.

As regards the charge of selling without a license, I presume the senior-constable can prove a sale after 6 p.m. on the 19th ultimo.

Every effort must be made to clear this matter up and bring the offender to justice, but before instituting any proceedings the senior-constable should furnish a comprehensive report.

Senior-Constable Rose, Capertee.

JONATHAN ATKINSON,
Sub-Inspector.
Police

Police Station, Capertee, 8 March, 1910.

SENIOR-CONSTABLE ROSE begs to report:—That he has made careful inquiries in reference to the above, but has been unable to obtain any evidence to support a charge of forgery, but is of opinion that there is a clear case under section 45 of the Liquor Act. Carr has been carefully interrogated, but says that he does not remember who brought the letter from the post office on the morning it was received, nor can he say when he received it, but it was either on the 18th or 19th ultimo. He says that he (Carr) opened the letter from the Treasury containing the license, but that it did not appear to have been tampered with, and he is positive that the license bore the same appearance as it does now, as he noticed it at the time. He says that he did not show it to any person, but that when at Torbane, on the 19th ultimo, when he was tacking the license on a cask on the booth counter, he drew his brother-in-law's attention to it by saying, "We have plenty of time to sell to-day"; this was at about 10 a.m., and the senior-constable saw it at about 11.45 a.m. on that date. The license was in Carr's possession from the time he received it until it was seen by the senior-constable. Carr says that it was in a drawer in the bar of his hotel at Capertee.

Carr was assisted at the booth by his son, Vernal Carr, a man named John Ryan, and one of Mr. Summons' employees, now at Lidsdale, where he is working at Mr. Summons' cordial factory; the senior-constable does not know this man's name, but he has sent to the Wallerawang police, asking them to ascertain the man's name, and obtain a statement from him in reference to the matter. Both Vernal Carr and John Ryan deny any knowledge of the license. A sample of Carr's writing showing a figure 7 is attached, same being written with the ink now in use at the hotel; this is in Carr's natural hand—being obtained before he was asked any questions concerning the above matter; this ink appears very like the ink which was used in making the alteration.

The local police are in a position to prove a sale to support a charge under section 45 of the Liquor Act.

Carr was carefully questioned, but would make no admissions, but stoutly maintained that the license was in its present state when he received it.

If Mr. Atkinson deems that there is a case under section 45 of the Liquor Act, will he please return instructions as soon as possible, as the information should be laid within thirty days, and the next Court sits on the 18th instant.

If an information is laid, the senior-constable presumes that it will be necessary for the Treasury Clerk who made out the license to be present, and, if so, perhaps Mr. Atkinson will arrange for his attendance on that date so that he could produce the license-book and the certificate authorising the issue of the license.

Further inquiries will be continued, and any information gained will be forwarded.

W. H. ROSE,

Sub-Inspector Atkinson, Mudgee.

Senior Constable.

Forwarded to the Superintendent. It would seem very clear that this booth license has been manipulated, but although there is a strong presumption that the alteration was made by Carr, there does not appear to be sufficient evidence forthcoming to support an information for forgery. The Capertee police are in a position to prove that Carr sold liquor at this booth after 6 p.m., the time of closing, and I would suggest that an information be laid against the licensee under section 45 of the Liquor Act. The attendance as a witness of an officer from the Treasury would be necessary, to prove the issue of booth license to 6 p.m., and to produce certificate authorising the issue of license. If it is decided to lay an information against Carr, it will be necessary that such be done not later than the 15th instant.—
JONATHAN ATKINSON, S.-Insp., Mudgee, March 9th, 1910. The Superintendent of Police, Bathurst.

Re Booth and Stand License issued to Mr. E. V. Carr, of the "Capertee Inn," Capertee, and report of Senior-Constable Rose, of Capertee.

No. 4 Police Station, George-street North, City, 1 March, 1910.

SENIOR-CONSTABLE CLEMESHA reports that he made inquiries at the Treasury re the alteration in the booth license issued to Mr. E. V. Carr, of Capertee. The senior-constable examined the certificate authorising the issue of the booth license, which states that the hours for selling to be from 8 a.m. to 6 p.m.

The licensing book at the Treasury also shows that those were the hours which authorised the holder of the license to sell liquor.

The license was sent direct to Mr. E. V. Carr by post, and the Treasury officials state that the license was altered after it left the Treasury.

A statement re the above from Mr. Corkhill is attached.

W. CLEMESHA,

Sub-Inspector Matthews, No. 4 Station.

Senior Constable.

Forwarded to the Superintendent of Police, Sydney.—E. W. MATTHEWS, Sub-Inspector, 1/3/10. Forwarded for information. Official statement from the Treasury herewith.—Superintendent, 2/3/10. The Officer-in-charge of Police, Bathurst. Forwarded to Sub-Inspector Atkinson for favour of necessary attention.—W. J. ANDERSON, Sub-Inspector, in absence of the Superintendent of Police, Bathurst, 3/3/1910. Sub-Inspector Atkinson, Mudgee.

[Sub-Enclosure.]

In the attached booth license, No. 970, issued 17 February, 1910, to Edward V. Carr, the hours of selling were from 8 a.m. to 6 p.m., in accordance with the certificate of the Rylstone Licensing Bench. An alteration to 7 p.m. has evidently been made. This is the second case of the manipulation of booth licenses that has come under notice within a week or two, and every effort should be made to prevent a continuance of such a practice, and to detect the offenders in this and the previous case.

S. R. CORKHILL

(for U.S.),

The Inspector-General of Police.

B.C., Treasury, 1 March, 1910.

Subject:—Re Booth or Stand License granted to Mr. E. V. Carr, of the Capertee "Camp Inn," for a sports meeting at Torbane on the 19th instant.

Police Station, Capertee, 22 February, 1910.

SENIOR-CONSTABLE ROSE begs to report in reference to the above, that the hours for selling as shown on the attached license are from 8 a.m. to 7 p.m. on the 19th instant, and there appears to have been an erasure on

on same, evidently the figure 7 has been substituted for a 6. The senior-constable drew Mr. Carr's attention to it, and he said, "Yes, I saw that, and it appears to have been smudged, but I am going to close up at half-past 6." Mr. Carr continued selling liquor in the booth until 7 p.m., and then closed.

Will Sergeant Lord please ascertain if the Licensing Bench at Rylstone made any recommendation as to the hours of selling when they granted the certificate authorising the issue of this license, and then forward the papers on to Sub-Inspector Atkinson, who may be pleased to have inquiries made at the Treasury as to whether there has been an alteration made in the time of selling.

Sergeant Lord, Rylstone.

W. H. ROSE,
Senior Constable.

Police Station, Rylstone, 24 February, 1910.

SERGEANT LORD reports that the Magistrates at Rylstone made no recommendation as to the hours of selling when granting the certificate. Mr. Howe, C.P.S., states that he feels sure he entered the hours of selling in the certificate from 8 a.m. to 6 p.m.

Sub-Inspector Atkinson, Mudgee.

E. C. LORD,
Sergeant.

Will the Superintendent please have papers forwarded to Sydney Police, for inquiry at the Treasury.—JONATHAN ATKINSON, S.-Inspr., Mudgee, February 25th, 1910. The Superintendent of Police, Bathurst. Forwarded to Superintendent Sherwood for favour of necessary inquiries and report.—W. J. ANDERSON, Sub-Inspector, in absence of Superintendent of Police, Bathurst, 26/2/1910. Superintendent Sherwood, Office of the Inspector-General of Police, Sydney. Mr. E. W. Matthews.—A.R.S., Supt., 28/2/10.

The Clerk of Petty Sessions, Mudgee, to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

Petty Sessions Office, Mudgee, 24 September, 1910.

I have the honor, by direction of the Bench of Magistrates, to transmit herewith the depositions and the other documents in the case of Edward Vernal Carr, who has been committed to take his trial at the Quarter Sessions, to be held at Mudgee, on Tuesday, the eighth day of November, 1910.

The accused has been admitted to bail, self in £40 and one surety, Richard Bow, of Mudgee, grazier, in £40.

The witnesses bound over are Ernest Howe, of Rylstone, Clerk of Petty Sessions, Vicary Horniman, of Sydney, civil servant, William Henry Rose, of Capertee, senior-constable of police, and Theodore Smith, of Capertee, police constable (for the Crown).

The Exhibits enclosed are "A," Licensing Court Certificate, "B," a letter, "C," a booth license, "E," a deposition of the accused, and "F," an application for an auctioneer's license. Exhibit "D," a licensing record book of the Treasury, was handed over to the witness, Vicary Horniman.

I have, &c.,

D. G. McDOUGALL,
Clerk of Petty Sessions.

[Enclosures.]

New South Wales Police.

REPORT relative to antecedents of Edward Vernal Carr. Offence—Forgery and uttering. Committed for trial at Mudgee Quarter Sessions, 8th November, 1910.

Western District, Mudgee Station, 24 September, 1910.

SUB-INSPECTOR ATKINSON reports:—That on the 24th June, 1910, the abovenamed accused was convicted before the Capertee Bench for selling liquor without holding a license authorising the sale thereof, and fined £30 and costs of Court. No other convictions known.

Accused is a licensed publican carrying on business at Capertee, and has hitherto borne a good character.

The Superintendent of Police, Bathurst.

JONATHAN ATKINSON,
Sub-Insp.

Forwarded to the Inspector-General.—ALEX. JOHNSTON, Superintendent of Police, Bathurst, 26/9/1910. Forwarded to the Clerk of the Peace, Sydney.—THOMAS GARVIN, Inspector-General of Police, Sep. 27, 1910 (*per* E.C.D.).

New South Wales, }
Mudgee, to wit. }

Depositions of Witnesses.

THE examination of Ernest Howe, of Rylstone, in the State of New South Wales, Clerk of Petty Sessions, Vicary Horniman, of Sydney, in the said State, civil servant, William Henry Rose, of Capertee, in the said State, senior-constable of police, and Theodore Smith, of Capertee, in the said State, police constable, taken on oath this twenty-third day of September, in the year of our Lord one thousand nine hundred and ten, at the Mudgee Police Office, in the said State, before the undersigned, one of His Majesty's Police Magistrates and a Justice of the Peace in and for the said State, in the presence and hearing of Edward Vernal Carr, who was charged this day before me, for that he, the said Edward Vernal Carr, on the nineteenth day of February, in the year of our Lord one thousand nine hundred and ten, at Capertee, in the said State, did forge a certain booth license, No. 970, issued on the seventeenth day of February, one thousand nine hundred and ten, by the Treasury to the said Edward Vernal Carr, with intent to defraud, and that on the day in the year and at the place last aforesaid the said Edward Vernal Carr did offer, utter, dispose of, and put off the said forged booth license.

C. J. B. HELM, P.M.

Summons Case No. 139.

Court of Petty Sessions, Mudgee, 23 September, 1910.

Police (Sub-Inspector Jonathan Atkinson) *versus* Edward Vernal Carr—Forging and uttering.

Mr. R. A. Monro King appears for the defendant.

Information—(General Purposes).

New South Wales, }
Mudgee, to wit. }

Crimes Act, 1900, Section 252.

BE it remembered, that on this twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Mudgee, in the State of New South Wales, Jonathan Atkinson, a Sub-Inspector of the Police Force of the said State, of Mudgee aforesaid, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me that on the nineteenth day of February, in the year of our Lord one thousand nine hundred and ten, at Capertee, in the said State, Edward Vernal Carr did forge a certain booth license, No. 970, issued on the seventeenth day of February, one thousand nine hundred and ten, by the Treasury to the said Edward Vernal Carr, with intent to defraud. And the said Jonathan Atkinson further informs me that on the day in the year and at the place last aforesaid the said Edward Vernal Carr did offer, utter, dispose of, and put off, the said forged booth license contrary to the Act in such case made and provided; whereupon the said Jonathan Atkinson prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Mudgee, in the said State, on the }
day first above written, before me.— }

JONATHAN ATKINSON.

D. G. McDOUGALL, Justice of the Peace.

Summons—Divisions 1 and 2, Justices Act, 1902.

To Edward Vernal Carr, of Capertee, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace in and for the said State of New South Wales, for that you did, on the nineteenth day of February, 1910, at Capertee, in the said State, forge a certain booth license, No. 970, issued on the seventeenth day of February, one thousand nine hundred and ten, by the Treasury to you, with intent to defraud, and that on the day, in the year, and at the place last aforesaid, you did offer, utter, dispose of, and put off the said forged booth license. These are therefore to command you, in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at ten of the clock in the forenoon, at the Police Office; Mudgee, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Mudgee, in the said State.

D. G. McDOUGALL,
A Justice of the Peace.

State of New South Wales, Western Police District.

William Henry Rose, being duly sworn, saith as follows:—I am a senior-constable of the Police Force of New South Wales; on the eleventh day of August, 1910, I served the within summons upon Edward Vernal Carr, the person to whom it is directed, by delivering a duplicate thereof to him personally at Capertee; I read and explained the nature and effect of the summons to the said Edward Vernal Carr at the time of service; the summons is under the hand and seal of a Justice of the Peace for the said State, and is returnable at the Mudgee Police Office on the twenty-third day of September, 1910.

Taken and sworn at Capertee, this 13th day }
of August, 1910, before me,— }W. H. ROSE,
Senior Constable.

JOHN B. PATON, J.P.

This deponent on his oath states:—My name is Ernest Howe; I am Clerk of Petty Sessions at Rylstone and also Clerk of the Licensing Bench for the Licensing District of Rylstone; on the 16th February last the defendant made an application for a booth license for sports to be held at Torbanc on the 19th February, 1910; the Chairman of the Bench issued a certificate authorising the issue of the license; I produce the certificate (marked *Exhibit "A"*).

(Objection made by Mr. Monro King against the admission of the certificate.)

I would not hand the certificate to anyone but the defendant or to anyone with his order; I handed the certificate to the defendant at the Australian Bank of Commerce, Rylstone, on that same day.

By Mr. Monro King: I am quite sure that I handed the certificate to the defendant at the A.J.S. Bank then; I don't remember Mr. Carr saying to me that as I had not the certificate ready, and that as he had to leave by the train, to hand the certificate to Mr. Dalton; I don't know that the defendant left by an early train.

Re-examined: The early train would be a goods train; I saw Mr. Carr in the bank; I told him that the train was going at a certain time; I believe he rushed off to get it; I handed him the certificate before he rushed off.

By Mr. Monro King: I took it down to the A.B.C. Bank because I had money to cash; I took the certificate down to the train to get it signed, and as I went back I called at the bank.

Taken and sworn at Mudgee, this 23rd day }
of September, 1910, before me,— }

E. HOWE.

C. J. B. HELM, P.M.

This

This deponent on his oath states:—My name is Vicary Horniman; I am a civil servant, and am in charge of the Licensing Branch in the Treasury; I received the certificate, *Exhibit "A,"* enclosed with the letter produced (marked *Exhibit "B"*); in accordance with that certificate a booth license was issued by the Treasury, giving the same particulars as is contained in *Exhibit "A"*; the license produced is the one issued (marked *Exhibit "C"*); the hours mentioned therein were 8 a.m. to 6 p.m.; I also produce an official document of the Treasury, giving the same hours (marked *Exhibit "D"*); a figure in the license, *Exhibit "C,"* has been altered from 6 to 7; there has been an erasure; looking at it carefully I can see traces of the original 6; I am of the opinion that the ink used for the figure 7 is not the same ink as that used originally; the formation of the 7 is not, in my opinion, the same as that of another 7 appearing in *Exhibit "C"*; there is a similarity between the 7 on *Exhibit "C"* and the 7 on the document marked "1," in my opinion; the altered 7 and the words on the document marked "1" appear to be in similar ink; I have had a long experience in the Treasury; after the issue of the license it was sent to the defendant; when I last saw it, it was not in this condition; where an official makes a mistake in a license the mistake is either ruled out and the correct particulars put on top, or the license is cancelled; I am perfectly certain the license never left the Treasury in its present state.

By Mr. Monro King: The Treasury has often issued licenses up to 7 o'clock; I issued a license, 1,116; from 8 a.m. to 7 p.m., a month later than *Exhibit "C"* was issued; a license, 390, was issued on the 7th October, 1909, specifying no hours; there has been an erasure, an attempted complete erasure in *Exhibit "C,"* of the 6; it has not been quite complete; I can see traces of the original 6; then the 7 has been inserted; two very small parts, I consider, of the original 6 have been left; the general contour of the 7 is similar to that on document marked "1"; I am not swearing to the individual figures; I won't swear that the 7 made on *Exhibit "C"* and the 7 on the document marked "1" were made by the same person; the same ink blotted would show lighter than the ink which is allowed to dry; it shows traces of blotting; there is a difference in shade of the ink of the 7 on *Exhibit "C"* and that of the 7 on the document marked "1"; the ink on the license shows darker now than the ink on the document marked "1."

Re-examined: The licenses are issued in accordance with the certificates.

Taken and sworn at Mudgee, this 23rd day }
of September, 1910, before me, — }

VICARY HORNIMAN,
23 Sept., 1910.

C. J. B. HELM, P.M.

This deponent on his oath states:—My name is William Henry Rose; I am a senior-constable of police, and reside at Capertee; I remember the 19th February last; I went to the sports meeting at Torbane; I saw the defendant there; I saw him in the morning a little before 12; he was conducting a booth to sell liquor; there was a counter at the booth, and a cask on the counter; he had his license tacked on the cask; I had a look at the license, and was about to read it when I was called away; a drunken man started assaulting people, and I had to take him away from the ground; I had no opportunity of reading it until 6 o'clock that evening; at 6 o'clock it had been removed from the casks, and had been tacked on one of the posts; I saw the defendant there in his booth; I called his attention to the 7 in the license; I first of all read the license; I said to him, "Did you notice the 7 on this license?"; he said, "Yes; it appears to be a bit smudged, but I only intend to sell until about half-past 6"; he just glanced at it; he was very busy at the time; I had no more conversation with him then; he kept the booth open until about 7 o'clock; a very brisk business was done between 6 and 7; I should say the business during that hour compared as well as any other, although I had not a good opportunity of seeing the other hours; I had not the opportunity of seeing the business done during the other hours; he closed about 7; I took possession of the license; I saw the defendant again on the evening of the 8th March; Constable Smith was with me; I said to him, "I want to see you with reference to that license; I wish to ask a few questions, but you need not answer unless you like; the Treasury say that the hours you were selling were from 8 a.m. to 6 p.m.; who was it received the license?"; he replied, "I don't know; somebody may have brought it down—Champion or one of the boys; it is so long ago, I don't remember"; I said, "Was it in that state when you got it?"; he said, "Yes, I noticed it when I opened it; when I put it up at the booth, I said to Jack Mackenzie, 'We have plenty of time to-day'; I said, 'Had the envelope been tampered with?'; he said, 'No, I don't think so'; I said, 'Was the license in your possession from the time you received it until the time I saw it?'; he said, 'Yes, it was in the envelope in the drawer in the bar'; I said, 'Could anyone at Torbane have altered it?'; he said, 'No; no one could have altered it. Besides, what benefit could it have been to anyone?'; I then showed him the license, *Exhibit "C,"* and showed him the 7 on it, and said, "Was it exactly in that state when you received it?"; he said, "Yes"; I said, "Cannot you call to mind the day you received it?"; he said, "No; it is so long ago. I received it on the day of the sports or the day before. The sports were on the 19th, and I think I received it on the 18th"; I said, "Was Jack Mackenzie assisting you at the booth?"; he said, "Yes; he was one of them, but they know nothing about it"; I said, "When you received it was it in the same condition as when I saw it?"; he said, "Yes"; that is all the conversation as far as I remember; I am also acting as clerk of petty sessions at Capertee; the defendant was charged at Capertee with selling liquor without a license first on the 18th March last, and the case was concluded on the 24th June; he was convicted on the 24th June and fined; on the 22nd April the defendant gave evidence; I saw him sworn and heard him give evidence; I saw him sign the deposition produced (marked *Exhibit "B."*)

By Mr. Monro King: On both occasions at Torbane any man of ordinary height could have seen and read the license where I saw it; at 7 o'clock he closed up, went away, and left the license still on the post; I typed out defendant's application for the booth license; I typed out his application for a booth license for the 19th February; I don't remember any hours being mentioned in the application; I have seen the application since and there were no hours mentioned; I have been in the habit of typing the applications for him; I typed it on my machine in the C.P.S. Office; I believe I posted it for the defendant to Rylstone; I attached a police report, and as the time was short, I posted it for the defendant; I did not make any reference to hours in my report; I left it for the sergeant at Rylstone; the defendant,
to

to the best of my belief, signed the application in the office ; I provide my own ink ; I did not borrow this particular lot of ink from Mr. Carr ; Mr. Gallagher was down at the sports that day on the ground ; He is the chairman of the Licensing Bench ; the license was up for anyone to read it ; I remember having checked two of Carr's booths licenses at Airly and one or two at Capertee ; I don't know whether he knew it was my practice to check the licenses ; they are always tacked on the cask ; the license reads from the 19th to the 25th ; the application made out by me was, I believe, for one day—the 19th ; I was in the Court when the application was granted ; the Bench, so far as I know, just said, "Application granted" ; I don't know whether any hours were mentioned by the Bench.

Taken and sworn at Mudgee, this 23rd day of }
September, 1910, before me,—

W. H. ROSE.

C. J. B. HELM, P.M.

This deponent on his oath states:—My name is Theodore Smith ; I am a constable of police, stationed at Capertee ; I was present at the sports meeting at Torbane ; I saw Senior-Constable Rose go up and speak to the defendant that day about 6 o'clock ; I did not hear what was said ; on the 7th March I went to the "Capertee Hotel" and saw the defendant ; I went with reference to an application already made by him ; I took the document produced (marked *Exhibit* "F") to him ; he was sitting at the counter ; he signed *Exhibit* "F" ; he dipped his pen in the ink in the bar ; he blotted the application after he signed it : I was with Senior-constable Rose on the 8th March about 8 p.m. ; Senior-Constable Rose said, "I want to see you with reference to your booth license at Torbane ; I want to ask you a few questions ; you need not answer unless you like ; the Treasury say that the license was from 8 a.m. to 6 p.m. ; who received the letter containing the license ?" ; defendant replied, "I do not remember ; somebody brought it down, it may have been Champion or one of the boys ; it is a good while ago ; I cannot remember" ; Senior-Constable Rose said, "Had the letter been tampered with ?" ; he said, "I don't think so ; not that I know of" ; Senior-Constable Rose said, "Was the license in the same state then as when I saw it ?" ; defendant replied, "Yes ; I noticed it at the time I opened it, and when I put it up at the booth I said to Jack Mackenzie, 'We have plenty of time to-day'" ; Senior-Constable Rose said, "Was the license in your possession from the time you received it until the time I saw it ?" ; he replied, "Yes, it was in an envelope in the drawer in the bar" ; Senior-Constable Rose said, "Could anyone have altered it at Torbane ?" ; he replied, "No ; no one could have altered it, as it was like that when I got it ; besides, what benefit would it be to anyone" ; the senior-constable then showed him the license, and pointed to the 7 on the license and said, "Was it exactly in that state when you received it ?" ; he replied, "Yes" ; Senior-Constable Rose said, "Cannot you call to mind the day you got the license ?" ; he replied, "It's a long time ago ; it must have been the day of the sports, or the day before ; the sports were on the 19th, and I think I got it on the 18th" ; Senior-Constable Rose said, "Who assisted you at the bar ; was Jack Mackenzie one of them ?" ; he replied, "Yes, he was one, but they know nothing about it."

No questions.

Taken and sworn at Mudgee, this 23rd day of }
September, 1910, before me,—

T. R. R. SMITH.

C. J. B. HELM, P.M.

State of New South Wales, }
Mudgee, to wit.

Statement of the Accused.

EDWARD VERNAL CARR (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Police Magistrates and a Justice of the Peace in and for the said State, this twenty-third day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on the nineteenth day of February, 1910, at Capertee, in the said State, did forge a certain booth license, No. 970, issued on the seventeenth day of February, 1910, by the Treasury to the said defendant, with intent to defraud, and that on the day in the year and at the place last aforesaid the said defendant did offer, utter, dispose of, and put off the said forged booth license, and the said charge being read to the said defendant, and the witnesses for the prosecution, Ernest Howe, of Rylstone, in the said State, Clerk of Petty Sessions, Vicary Horniman, of Sydney, in the said State, civil servant, William Henry Rose, of Capertee, in the said State, senior-constable of police, and Theodore Smith, of Capertee, in the said State, police constable, being severally examined in his presence, and he having stated that he does not desire the depositions of the said witnesses to be read to him, the said defendant is now addressed by me, the said Police Magistrate and Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial ; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Mudgee, in the said State, the day and year first above mentioned.

C. J. B. HELM, P.M.

New South Wales, }
Mudgee, to wit.

Rex v. Edward Vernal Carr.—Forgery and Uttering.

THE accused stands committed to take his trial at the next Court of Quarter Sessions to be holden at Mudgee, in the State of New South Wales, on the eighth day of November, 1910. Bail allowed the accused in £40 and two sureties in £20 each, or one in £40.

C. J. B. HELM, P.M.

Dated at the Police Office, Mudgee, in the said State, this twenty-third day of September, A.D. 1910.

State

State of New South Wales, }
Mudgee, to wit. } Recognizance to give Evidence.

BE it remembered, that on the twenty-third day of September, in the year of our Lord one thousand nine hundred and ten, William Henry Rose, a senior-constable of the Police Force, stationed at Capertee, in the State of New South Wales, Ernest Howe, of Rylstone, in the said State, Clerk of Petty Sessions, Vicary Horniman, of Sydney, in the said State, civil servant, and Theodore Smith, of Capertee, in the said State, police constable, personally came before the undersigned, one of His Majesty's Justices of the Peace for the said State, and acknowledged themselves to owe Our Sovereign Lord the King the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lord the King, His Heirs and Successors, if they the said before-mentioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Mudgee, in the said State,
before me,—
C. J. B. HELM, P.M.

The condition of the within-written recognizance is such, that whereas one Edward Vernal Carr was this day charged before Charles Joseph Bohun Helm, Esquire, one of His Majesty's Police Magistrates and a Justice of the Peace for the said State, for forgery and uttering. If, therefore, they the before-mentioned persons shall appear at the next Court of Quarter Sessions to be holden at Mudgee, in and for the State of New South Wales, on Tuesday, the eighth day of November, 1910, at nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said Edward Vernal Carr for the offence aforesaid, to the jurors who shall pass upon the trial of the said Edward Vernal Carr,—then the said recognizance to be void, or else to stand in full force and virtue.

C. J. B. HELM, P.M.

State of New South Wales, }
Mudgee, to wit. } Recognizance of Bail on Committal for Trial.

BE it remembered, that on the twenty-third day of September, in the year of our Lord one thousand nine hundred and ten, Edward Vernal Carr, of Capertee, in the State of New South Wales, hotelkeeper, and Richard Bow, of Mudgee, in the said State, grazier, personally came before me, the undersigned, one of His Majesty's Justices of the Peace for the said State, and severally acknowledged themselves to owe to Our Sovereign Lord the King the several sums following (that is to say): the said Edward Vernal Carr the sum of forty pounds; and the said Richard Bow the sum of forty pounds, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lord the King, His Heirs and Successors, if he the said Edward Vernal Carr shall fail in the condition indorsed.

RICHARD BOW.
E. V. CARR.

Taken and acknowledged, the day and year first above mentioned, at Mudgee, in the said State,
before me,—
D. G. McDUGALL, J.P.

Condition in Ordinary Cases.

The condition of the within-written recognizance is such, that whereas the said Edward Vernal Carr was, on the twenty-third day of September, 1910, charged before Charles Joseph Bohun Helm, Esquire, one of His Majesty's Police Magistrates for the said State, with forgery and uttering; if therefore the said Edward Vernal Carr will appear at the next Court of Quarter Sessions to be holden at Mudgee, in and for the State of New South Wales, on Tuesday, the eighth day of November, 1910, at nine of the clock in the forenoon, and then and there surrender himself into the custody of the Keeper of the Gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave,—then the said recognizance to be void, or else to stand in full force and virtue.

D. G. McDUGALL, J.P.

Exhibit "A."

Rex v. Carr.

Police Court, Mudgee, 23 September, 1910.

New South Wales, }
to wit. }
Rylstone Licensing District. }

Certificate to authorise the issue of a Booth or Stand License.

I, the undersigned, being the Chairman of the Licensing Court holden at Rylstone on the sixteenth day of February, one thousand nine hundred and ten, do hereby authorise the issue to Edward Vernal Carr, of Capertee, being a licensed publican holding a publican's license in respect of "Capertee Camp Inn," situate at Capertee, of a booth or stand license for the sports meeting to be held at Torbano for a period of seven days from the nineteenth day of February, 1910, to the twenty-fifth day of February, 1910, both days being inclusive, between the hours of 8 a.m. and 6 p.m.

The license to be issued hereon is to be used only upon such days as the sports referred to actually take place.

Given under my hand and the Seal of the Court this sixteenth day of February, one thousand nine hundred and ten.

M. GALLAGHER, L.M.

Received from Aust. Bank of Commerce with No. 1 post, 17 Feb., 1910.

Exhibit

Exhibit "B."

Rex v. Carr.

Police Court, Mudgee, 23 September, 1910.

Sir,

The Australian Bank of Commerce, Limited, Rylstone, 16 February, 1910.

I beg to enclose draft for (£2) two pounds, accompanied by Licensing Bench certificates (2) on account of Edward Vernal Carr, of "Capertee Camp Inn," Capertee, and would be pleased if you would issue licenses and post same to Mr. Carr at Capertee.

Yours, &c.,

H. R. N. DALTON,

Acting Manager.

The Under Secretary for Finance and Trade, The Treasury, Sydney.
Three enclosures.

Exhibit "C."

Rex v. Carr.

Police Court, Mudgee, 23 September, 1910.

BOOTH OR STAND LICENSE.

Liquor Act, 1898, and Liquor (Amendment) Act, 1905.

No. 970.

WHEREAS Edward V. Carr, of Capertee, has deposited in the Treasury a certificate of the Licensing Court held at Rylstone on the 16th day of February, one thousand nine hundred and ten, authorizing the issue to him, being a licensed publican, holding a publican's license under the Liquor Act, 1898, and Liquor (Amendment) Act, 1905, for the house known by the sign of the "Capertee Camp Inn," situate at Capertee, in the State of New South Wales, of a Booth or Stand License for the place and time hereinafter mentioned; And whereas the sum of two pounds sterling, as the fee on such license, has been paid into the Treasury: Now I, the officer duly appointed to issue licenses under the said Acts, in virtue of the powers vested in me by the said Acts, do hereby declare that the said Edward V. Carr is licensed to sell liquor at the sports meeting to be held at Torbane, but not elsewhere; and this license shall commence upon the 19th day of February, 1910, and continue in force until the 25th day of February, 1910, then next ensuing, both days inclusive, from 8 a.m. to 7 p.m. only, and shall be used only on the days upon which the sports herein referred to actually take place, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal, at Sydney, this 17th day of February, one thousand nine hundred and ten.

S. R. CORKHILL.

£2. End.—H.B. Registered—D.R. Seen.—W.H.R., 19/2/10.

Rex v. Carr.

RECEIVED from the Clerk of Petty Sessions at Mudgee, this 23rd day of September, 1910, *Exhibit "D,"* a Treasury license book in the above case.

V. HORNIMAN.

23/9/10.

Exhibit "E."

Rex v. Carr.

Police Court, Mudgee, 23 September, 1910.

Marked "I" for identification. Rex v. Carr, 23 September, 1910. A. K. Loftus, Dep. Clk.

Capertee, 7 March, 1910.

To the Worshipful the Justices of the Peace acting in and for the district of Rylstone, in the State of New South Wales.

I, Edward Vernal Carr, now residing in Capertee, in the district of Rylstone, do hereby give notice that it is my intention to apply to the next special meeting of the Court for the licensing of auctioneers, to be holden at the Court-house at Capertee on the 18th day of March, 1910, for an auctioneer's district license for the district of Rylstone.

Given under my hand this seventh day of March, 1910.

(Signed) E. V. CARR.

Exhibit "E."

Rex v. Carr.

Police Court, Mudgee, 23 September, 1910.

This deponent, Edward Vernal Carr, on his oath, saith as follows:—I am a licensed victualler, and reside at Capertee; I made an application to the Rylstone Bench for a booth license at Torbane; Constable Rose typed it for me, and I read it before signing it; as near as I can recollect, the terms mentioned by Constable Rose are correct; I attended the Court, and was present when the Licensing Court dealt with it; Mr. Gallagher, Dr. Hansard, and Mr. Jennings were on the Bench; apparently there was some disagreement among the members of the Bench, and finally the Chairman said, "license granted"; nothing more was said; no hours were mentioned; I got the license from the Treasury either the morning before the sports or the morning of the sports; I have been continually having booth licenses since 1884; I have never been convicted for an offence against liquor laws; I did not peruse the license, and cannot say I took any notice of it till the morning of the sports, and then I got it between two bottles at end of the bar; I then perused it, and noticed the hours mentioned from 8 a.m. till 7 at night; I took the license with me, and tacked it up in the most public way; everybody could read it; I knew the police were on the ground; Constable Rose first came to me about midday; he came and looked at the license and initialled

initialled it; the alteration is a smudged one, and would attract attention; I have had booth licenses up to 7 and even up to 10 p.m.; I never had one to start at 8; I thought that was unusual; I saw Constable Rose when I was leaving the booth; he told me there were some rough fellows about, and to be careful; when I came away, I left the license on the post of the booth or wherever it was tacked up, so that any one could get it; the conversation between Constable Rose and myself, as related by himself, is not correct; Constable Rose and Constable Smith came to the hotel about three weeks after I had the booth license; the conversation started about something in connection with the prosecution of some men at the Court; I told him I had heard he had made some remarks about the quality of my liquor; Constable Rose denied it; he then asked me if I could account for the smudge and alteration on the license; I said I could not; he asked me then if it was in that state when I received it; I told him it was in that state when I first noticed it; he asked me who brought my mail down; I said, different people—sometimes Mr. Champion, sometimes other people; he asked me where I usually kept my correspondence; I told him in between the bottles on the middle shelf of the bar; he then asked me if I thought the license was altered by any person at Torbane; I said, "No, I noticed it in that state the morning of the sports before I left Capertee"; I said, "What benefit would it be to any one at Torbane to alter the license?"; he said, "Possibly some of the men may have wanted to get an extra hour's drinking"; I did not make the alteration, nor do I know of anyone who did make the alteration.

Cross-examined by Constable Rose: I could not get the certificate in time; Mr. Dalton, of the A.B.C. Bank, got the certificate and forwarded it to the Treasury; at 6 p.m. at the booth you did not call my attention to the license; I did not have any conversation with you about the license, and did not tell you I was going to close at "half-past six"; I did not make any notes about the conversation that took place in my bar; the other certificate was also sent to the Treasury, but I did not get the license till some time after; I closed the booth at five minutes to 7, and sold liquor up to then.

Taken and sworn at the Police Court, Capertee, this }
22nd day of April, 1910, before me,—

E. V. CARR.

O. A. EDWARDS, P.M.

Adjourned to 20 May, 1910.—O. A. EDWARDS, P.M.

Forgery and uttering (com. law). Appd.—J.G., 13/10/10.

I think that *R. v. Harris*, 6 C. & P. 129, is an authority for such an indictment, but the matter seems to me to be open to doubt. As the accused has been convicted of selling liquor without a license on these facts, the Solicitor-General may possibly think that no further proceedings should be taken.—C.A.W., 5/10/1910.

A statement should be obtained from Mr. Dalton, who will be able to say whether the application was handed to him by the accused or by Mr. Howe. Also an endeavour should be made to obtain evidence of the condition of the license when it was forwarded from the Department, preferably from the official who enclosed it for posting.—C.A.W.

Submitted for reference to the Attorney-General.—W.R.B., Clerk of the Peace, 7/10/10. The Under Secretary. Submitted.—J.L.W., Under Secretary, 7/10/10. This case must proceed.—J.G., 13/10/10. Depositions returned, 13/10/10. Supt., Bathurst, 14/10/10, *re* above. I decline to prosecute.—W.A.H., 4/11/10. C.P.S., Mudgee (wire and letter), Mr. C. J. B. Helm, P.M., 5/11/10. Depositions returned, 5/11/10.

Police Reports, Statements of Witnesses, and Departmental Minutes relating to the prosecution of John Heazlett on a charge of forgery and uttering.

New South Wales Police.

Southern District, Braidwood Station, 30 July, 1910.

REPORT relative to antecedents of John Heazlett. Offence: Forgery and uttering. Committed for trial at Braidwood Quarter Sessions. Indictment filed by direction of the Solicitor-General, 27th October, 1910.

I beg to report that the accused is an hotelkeeper, residing at Major's Creek; on 13th December, 1907, he was fined £2 and 6s. costs by the Braidwood Bench for selling underproof spirits; nothing else known against him; he is looked upon in the district as a man of good character, and respected; he has no associates other than visitors to his hotel.

No finger prints of accused.

J. G. DRAPER,
Sub-Inspector.

The Superintendent of Police, Goulburn.

Forwarded.—ALEX. B. WALKER, Supt., 1/8/10. The Inspector-General of Police. Forwarded to the Clerk of the Peace.—INSPECTOR-GENERAL OF POLICE, B.C., 2/8/1910.

[Enclosures.]

Rex *v.* John Heazlett—Forgery and Uttering.

Police Station, Major's Creek, 13 July, 1910.

CONSTABLE CHARLES B. MARSH, No. 6,991, reports having served the copy of the attached notice on Heazlett. Affidavit of service is forwarded herewith.

Sub-Inspector Draper, Braidwood.

CHARLES B. MARSH,
1st-Class Constable.

Forwarded.—J. G. DRAPER, Sub-Inspr., Braidwood, 14/7/10. A. B. Walker, Esq., Supt. of Police, Goulburn. Forwarded.—J. WILLIAMSON, Senr.-Const. (abs. Supt.), 15/7/10. The Inspector-General of Police. Forwarded to the Clerk of the Peace.—THOMAS GARVIN, Inspector-General of Police, B.C., 16/7/1910 (*per* E.C.D.).

State

State of New South Wales, {
to wit. }

The King against John Heazlett.

On the fourteenth day of July, in the year one thousand nine hundred and ten, Charles Benjamin Marsh, of Major's Creek, in the said State, being duly sworn, maketh oath and saith as follows:—I did, on the 13th day of July, 1910, personally serve a true copy of the within notice on the within-named John Heazlett, and at the same time showed him the within original.

Sworn by the deponent on the day first above }
mentioned, at Braidwood, before me,— }

CHARLES B. MARSH.

GEO. R. WILLIAMS, J.P.

Police Department, Superintendent's Office, Southern District, Goulburn, 8 July, 1910.

Rex v. John Heazlett.—Forgery and uttering.

For attention and report.—ALEX. B. WALKER, Superintendent. Sub-Inspector Draper, Braidwood. Constable Marsh for attention and report.—J. G. DRAPER, Sub-Inspr., Braidwood, 11/7/10. Constable Marsh, Major's Creek. Report and affidavit of service of the copy of the attached notice herewith.—CHARLES B. MARSH, 1st-C. Constable, Major's Creek, 13/7/10. Sub-Inspr. Draper, Braidwood.

In the Court of Quarter Sessions, holden at Braidwood, }
in the State of New South Wales. }

The King v. John Heazlett.

TAKE notice that an indictment will be filed against you, the said John Heazlett, at the Court of Quarter Sessions, to be holden at Braidwood, in the said State, on Thursday, the 27th day of October, in the year 1910, charging that you, the said John Heazlett, on the 25th day of January, in the year aforesaid, at Major's Creek, in the State aforesaid, did forge a certain document—to wit, a booth or stand license—with intent to defraud; and, in a second count, that you, the said John Heazlett, on the day, in the year, and at the place last aforesaid, did offer, utter, dispose of, and put off a certain forged document—to wit, a booth or stand license—with intent to defraud. And you are hereby required and called upon to appear at the Court-house, at Braidwood aforesaid, at ten of the clock in the forenoon of the said day to plead to the said indictment; and, in the event of you not so appearing, application will be made to the said Court for a warrant to apprehend you, and bring you before the said Court in due course of law.

Dated at Sydney, in the said State, this fifth day of July, in the year one thousand nine hundred and ten.

W. R. BEAVER,
Clerk of the Peace.

To John Heazlett, of Major's Creek, publican.

The Clerk of the Peace to The Inspector-General of Police.

Sir,

Office of the Clerk of the Peace, Sydney, 5 July, 1910.

Rex
v.
John Heazlett,
Braidwood Q.S.,
27th Oct., 1910.

I have the honor to inform you that the person named in the margin was recently proceeded against at the Braidwood Police Court on a charge of forgery and uttering. The case was dismissed, the Police Magistrate, however, dissenting.

The Solicitor-General has directed that an indictment be filed against Heazlett at the Braidwood Quarter Sessions on 27th October next, and I therefore send herewith notice for service on Heazlett, requiring him to appear on that date and plead to the indictment.

Will you be good enough to arrange for a copy of the notice to be served personally on Heazlett, and for the officer effecting service to make the affidavit endorsed on the fold of the original notice, and have the same forwarded to me when completed?

I have, &c.,

W. R. BEAVER,
Clerk of the Peace
(per A.E.W.).

Forwarded for attention.—THOMAS GARVIN, Inspector-General of Police (per E.C.D.), 6 July, 1910.
The Supt. Police, Goulburn.

The Under Secretary, Department of the Attorney-General and of Justice, to
The Clerk of Petty Sessions, Braidwood.

Department of the Attorney-General and of Justice,
Sydney, 30 June, 1910.

PLEASE forward depositions in the case of John Heazlett, heard at Braidwood Police Court on 20th instant, to this Department.

J. L. WILLIAMS,
Under Secretary,
(per D.R.J.).

Depositions are forwarded under separate registered cover.—GEO. R. WILLIAMS, C.P.S., Braidwood. The Under Secretary, Department of the Attorney-General and of Justice, B.C., 1st July, 1910. Submitted with reference to the Minister's minute of 29th ultimo.—G.W. (for U.S.), 4/7/10. File indictment next Braidwood Q.S., and note Heazlett to appear and plead.—J.G., 6/7/10.

Department

Department of the Attorney-General and of Justice,
Sydney, 29 June, 1910.

Subject:—Case against John Heazlett for altering Booth License—heard at Braidwood Police Court.
Submitted with reference to the Minister's minute of the 7th April last.

G.W.
(for Under Secretary).

Obtain the depositions in this case.—J.G., 29/6/10. C.P.S., Braidwood, 30/6/10. Resu. on
Monday, 4 July.—E.W.F., 30.

Mr. Sub-Inspector Draper, Braidwood, to The Superintendent of Police, Goulburn.

Re John Heazlett, charged with Forgery and Uttering.

Sir,

Police Office, Braidwood, 21 June, 1910.

I beg to report relative to attached papers in above case, heard at Braidwood Police Court, on 20th instant, the Police Magistrate and four honorary Justices in attendance. Mr. D'Apice prosecuted; Mr. W. C. Shipway for defence. After the evidence being taken, the Police Magistrate said the Bench, by a majority, had decided to dismiss the case. License and statement obtained from accused attached to depositions.

I have, &c.,

J. G. DRAPER,
Sub-Inspector.

Forwarded.—ALEX. B. WALKER, Supt, 23/6/10. The Inspector-General of Police. For information of the Crown Solicitor.—THOMAS GARVIN, Inspector-General of Police, 24/6/10 (absent) (*per* E. C. Day, Supt.).

The case against Heazlett for forgery and uttering was heard at the Braidwood Police Court on the 20th instant before Mr. Gates, P.M., and four honorary Justices, when the Bench by a majority dismissed the case. The P.M. dissented from the decision of the majority.—JNO. V. TILLET, Crown Sol., B.C. 28/6/10. The Under Secretary, Dept. of the Attorney-General and of Justice.

The Crown Solicitor to The Inspector-General of Police.

PROCEEDINGS should be taken against Heazlett for forgery and uttering, in accordance with the Solicitor-General's instructions.

I forward herewith statements from V. Horniman, Guy Daniel, and Harry Gale, who should be called as witnesses.

Kindly furnish me with a report of the result of the proceedings.

In view of Mr. Hirst's statement, I do not think it necessary for him to be called.

JNO. V. TILLET,
Crown Solicitor.
B.C., 14/4/10.

For information, attention, and report.—THOMAS GARVIN, Inspector-General of Police, Apr. 15, 1910 (absent), (*per* E. C. DAY, Supt.). The Supt. Police, Goulburn. Referred to Sub-Inspr. Draper, Braidwood.—R. RODEN, Sub Inspr., atg. Supt., 18/4/10. Sub-Inspr. Draper, Braidwood.

[Enclosures.]

THE booth license in question, No. 855, has been altered since its issue by the Treasury on 21st January last, particularly the figure 6 in the daily hours of sale, which has been erased and the figure 7 substituted.

The license was issued by me over the Treasury counter, and bears my initials.

The license fee was paid by Tucker & Co., by cheque.

I can swear to the handwriting in the license as that of one of the Treasury officers.

V. HORNIMAN.

A [Duplicate.]
No. 3281 General Post Office,
Sydney, 21 January, 1910.
Received from Mr. Tucker & Co.
Address, 215 Clarence-street.

Article for registration, as follows, viz. :—

Name and Address on Article.

Mr. J. Heazlett,
Elrington Hotel,
Major's Creek.

Registration Clerk.

215, Clarence-street, Sydney, 14 April, 1910.

I, GEORGE DENTON HIRST, do hereby state that I am a partner in the firm of Tucker & Co., trading as wine and spirit merchants, 215, Clarence-street, Sydney.

On the 21st January, 1910, I received a Bench certificate for a booth license, to be issued to John Heazlett, proprietor of the "Elrington Hotel," Major's Creek. I sent the certificate on the same day I received it to the Treasury by the hands of my clerk, Guy Daniel. He paid the usual booth license fee, and on his return from the Treasury he placed the booth license in a tray on a table in my office. I did not look at the certificate, and cannot say what hours were allowed thereon for selling. I did not look at the booth license, and cannot say what hours were allowed thereon for selling, or if any alteration had apparently been made on the document. Later in the day the tray containing the booth license, with

sundry letters, was sent into the clerks' office. My clerk, Guy Daniel, informs me that he remembers placing the license in an envelope and addressing same to John Heazlett. The license was sent by registered post, and was covered by a letter of advice from Tucker & Co., duplicate of which is hereunto attached. Guy Daniel informs me that he did not look at the license, and that he cannot say if any alteration had been made thereon.

GEO. D. HIRST.

[Duplicate.]

Mr. J. Heazlett, "Elrington Hotel," Major's Creek.

Dear Sir,

215, Clarence-street, Sydney, 21 January, 1910.

well.

We have paid the £2 for booth license, and enclose the license herewith. Hoping you will do

We remain,

Yours faithfully,

TUCKER & COY.

I, GUY DANIEL, hereby state that I am a clerk in the employ of Messrs. Tucker & Co., 215, Clarence-street, Sydney, and I reside at 96, Stanmore-road, Stanmore; on the 21st January last I was directed by Mr. Hirst to go to the Treasury and obtain a booth license for Mr. J. Heazlett, of Major's Creek; I received a cheque from Mr. Hirst for £2 to pay for the license; I then went to the Treasury and paid the fee, and obtained the license from Mr. Horniman, and brought it back to Mr. Hirst's office; later on I placed the license in an envelope; I am in a position to swear that no alteration was made on the license from the time it was handed to me at the Treasury and the time it was placed by me in the envelope and handed to Harry Gale, a junior clerk in the office, with instructions to post and register same. The letter was addressed to Mr. J. Heazlett, "Elrington Hotel," Major's Creek.

GUY R. DANIEL.

I, HARRY GALE, residing at "Edenville," Dutruc-street, Randwick, junior clerk in the office of Tucker & Co., 215, Clarence-street, do hereby state that on the 21st January, 1910, I registered and posted a letter addressed to Mr. J. Heazlett, "Elrington Hotel," Major's Creek; the letter was gummed down by me; I saw that a booth license was in the letter; I did not read what was on the license, and I am in a position to swear that from the time that the license was handed to me in the envelope to the time I delivered it to the Clerk in the Registry Office of the General Post Office, Sydney, no tampering with the license had taken place.

HARRY GALE.

Minute by The Under Secretary, Department of the Attorney-General and of Justice.

Subject:—Respecting the alteration of the hours of sale stated in a booth license issued to John Heazlett for races held at Major's Creek on the 26th January, 1910.

Department of the Attorney-General and of Justice, Sydney, 17 March, 1910.

In this case it appears that John Heazlett, licensee of the "Elrington Hotel," situate at Major's Creek, applied on the 20th January last to the Licensing Court at Braidwood for a certificate authorising the issue of a booth license for races to be held at Major's Creek on the 26th idem. The application was granted, and the Court fixed the hours from 10 a.m. to 6 p.m. The certificate was forwarded by Heazlett's solicitor to Messrs. Tucker & Co., 215, Clarence-street, who presented it at the Treasury and received a license in which the hours of sale, 10 a.m. to 6 p.m., were inserted. The license was forwarded by Tucker & Co., direct to Heazlett.

It subsequently came to the notice of the Police at Braidwood that the hour 6 p.m. in the license had been altered to 7 p.m., and that the booth had been kept open accordingly. Inquiries were then made of the licensee, who denied having made the alteration, and stated that it was in exactly the same state when he handed it to Constable Marsh, as when he received it. Mr. Charles Tucker, of the firm of Tucker & Co., states that the license was forwarded to Heazlett just as it was received from the Treasury.

As the time limit of one month within which an information under the Liquor Act should have been exhibited has now expired, will the Crown Solicitor be so good as to advise me whether upon the facts disclosed in these papers, he thinks proceedings could be successfully taken against Heazlett for altering the license.

J. L. WILLIAMS,

Under Secretary

(per G.W.).

The Crown Solicitor, B.C.

I think a *prima facie* case of forgery and uttering could be made out against Heazlett, but I am doubtful whether a jury would convict.

Mr. G. D. Hirst, partner from Tucker & Co., the boy from Tucker & Co., who posted the letter, and an official from the Treasury would, if a prosecution is decided upon, have to attend the local Police Court.—JNO. V. TILLET, Crown Solicitor. The Under Secretary, Dept. of the Attorney-General and of Justice, B.C., 31/3/10. Returned, 1 Apr., 1910.

Submitted.—G.W. (for U. Secy.), 6/4/10. Proceed.—J.G., 7/4/10. The Crown Solicitor.—E.W.F. (for U.S.), B.C., 8/4/10.

[Enclosure.]

[Enclosure.]

John Heazlett. *Re* alteration of figure on Booth License.Police Department, Superintendent's Office, Southern District,
Goulburn, 14 March, 1910.

FORWARDED in connection with papers on the same subject sent to the Inspector-General of Police on the 4th instant.

Perhaps the Inspector-General might be pleased to say whether it would be advisable to prosecute Heazlett, under the Crimes Act, for altering the document in question?

ALEX. B. WALKER,
Superintendent.

The Inspector-General of Police.

Referred to the Under Secretary, Dept. of Attorney-General and of Justice, for favour of direction of the Minister.—T. GARVIN, Inspector-General of Police, Mar. 15, 1910.

Mr. Sub-Inspector Draper to The Superintendent of Police, Goulburn.

Re Booth License issued John Heazlett for Races at Major's Creek, 26th January, 1910.

Sir, Police Office, Braidwood, 12 March, 1910.

I beg to report that I have made every possible inquiry to find out who altered figures on license without success. Heazlett stated to me that it was in the same condition when he received it as it was when he handed to Constable Marsh (*vide* statement attached to papers). My suspicions are that Heazlett altered license. If I had received information from Treasury earlier I would have proceeded against Heazlett for selling without license. After receiving papers, and consulting the Police Magistrate (who was absent), it was too late, as limit had expired. Perhaps Mr. Walker would please have an opinion given on the matter, with view of proceedings under Crimes Act. It can be proved Heazlett produced the license to Constable Marsh for inspection after figures were altered.

I have, &c.,
J. G. DRAPER,
Sub-Inspector.

The Inspector-General of Police to The Superintendent of Police, Goulburn.

Police Department, Inspector-General's Office, Sydney, 21 February, 1910.

REFERRED to Superintendent Walker for further attention and report. This is a very serious matter, and every effort should be made to ascertain who altered the figures on the license.

THOMAS GARVIN,
Inspector-General of Police
(*per* W.H.C.).

For information and further report. Let every effort be made to find out who altered the hours on the license.—ALEX. B. WALKER, Supt., 23/2/10. Sub-Inspr. Draper, Braidwood.

The Inspector-General of Police to The Under Secretary for Finance and Trade.

Police Department, Inspector-General's Office, Sydney, 5 February, 1910.

FORWARDED to the Under Secretary for Finance and Trade. Perhaps information may be given to whom this license was sent, and the alteration of the figures?

THOMAS GARVIN,
Inspector-General of Police
(*per* D.McC.).

The booth license in question was issued over the Treasury counter on 21st January last to a representative of Messrs. Tucker & Co., Clarence-street, Sydney. The license was issued, showing hours of sale 10 a.m. to 6 p.m., and has been altered without authority. Mr. Charles Tucker has informed me that the license was put under cover, and posted by registered letter direct to Mr. Heazlett just as it was received from this office, and was in no way altered by his firm.

The certificate of the Court, on the authority of which the license was issued, is forwarded herewith. Every effort should be made to ascertain who altered the license.—S. R. CORKHILL (for U.S.), B.C., Treasury, 18 Feb., 1910. The Inspector-General of Police.

Mr. Sub-Inspector Draper to The Superintendent of Police, Goulburn.

Re Booth License issued for races at Major's Creek, 26th January, 1910.

Sir, Police Office, Braidwood, 31 January, 1910.

I beg to report with reference to the above, the application for certificate being referred to me for report. The hours asked for, 10 a.m. to 7 p.m., I considered would be unsuitable; on account of the Gold Escort, only two constables were available. The Police Magistrate decided that 10 a.m. to 6 p.m. was late enough.

Upon arrival of Constable Marsh here on 27th inst. (escort duty), I inquired how the races passed off, and what time the booth closed; he replied 7 p.m., that was the hour on license. I informed him that the certificate issued by the P.M. was to 6 p.m., and upon his return to Major's Creek, to get the license. It will be seen that the figures on license have been altered.

The

The Police Magistrate requests that inquiries be made at the Treasury, and from Tucker & Co., with a view of finding out where the figures were altered.

I have, &c,
J. G. DRAPER,
Sub-Inspector.

Forwarded to the Inspector-General of Police, who, perhaps may be pleased to cause inquiry to be made at the Treasury, as to the person to whom this license was sent, and if given to Tucker & Co., perhaps inquiries could be made from that firm also.—ALEX. B. WALKER, Superintendent, 1/2/10. The Inspector-General of Police.

[Enclosures.]

MEMO.

Police Station, Major's Creek, 23 January, 1910.

Booth License No. 855, is attached and forwarded herewith. There has been an alteration where the figure "7" appears on it. The fact that there has been erasure is revealed by holding the document up to the light, and looking at it. Part of the original figure remains and is in contact with the upright stroke of the figure "7."—CHARLES B. MARSH, 1st-C. Constable. Sub Inspector Draper, Braidwood.

Information—(General Purposes).

New South Wales, Braidwood; }
to wit. } Crimes Act, 1900, section 252.

BE it remembered, that on this third day of May, in the year of our Lord one thousand nine hundred and ten, at Braidwood, in the State of New South Wales, James Golding Draper, a sub-inspector of police stationed at Braidwood, in the State aforesaid, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the Peace of our Lord the King in and for the State of New South Wales, and informs me, that on or about the twenty-fifth day of January, in the year of our Lord one thousand nine hundred and ten, at Major's Creek, in the State aforesaid, one John Heazlett, of Major's Creek aforesaid, licensed publican, did forge a certain document, to wit:—A booth or stand license, with intent to defraud. And this informant further informs me that the said John Heazlett, on the twenty-fifth day of January, in the year of our Lord one thousand nine hundred and ten, at Major's Creek aforesaid, did offer, utter, dispose of, and put off the said forged booth or stand license with intent to defraud, contrary to the Act in such case made and provided; whereupon the said James Golding Draper prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Braidwood, in the said State, on the } J. G. DRAPER.
day first above written, before me,— }
GEO. R. WILLIAMS, Justice of the Peace.

Summons Case No. 50.

Court of Petty Sessions, Braidwood, 6 June, 1910.

James Golding Draper (Sub-Inspector of Police) v. John Heazlett.

On or about 25th January, 1910, he did forge a certain document, to wit: A booth or stand license, at Major's Creek, with intent to defraud.

And that on the 25th day of January, 1910, he did offer, utter, dispose of, and put off the said forged booth or stand license with intent to defraud.

Plea:—Defendant does not appear, having been informed of application to be made for postponement.

Adjourned until 10 a.m. on 20th June, 1910, at request of police, for attendance of witnesses.

GEO. R. WILLIAMS, J.P.
F. M. COOPER, J.P.

Summons Case No. 50.

Court of Petty Sessions, Braidwood, 20 June, 1910.

James Golding Draper (Sub-Inspector of Police) v. John Heazlett.

On or about 25th January, 1910, he did forge a certain document, to wit: A booth or stand license, at Major's Creek, with intent to defraud.

And that on the 25th day of January, 1910, he did offer, utter, dispose of, and put off the said forged booth or stand license, with intent to defraud.

Mr. D'Apice, of Crown Solicitor's Office, for prosecution. Mr. W. C. Shipway, for defence.

This deponent, James Golding Draper, on his oath, saith as follows:—I am a sub-inspector of police, and am the licensing inspector for the licensing district of Braidwood; I know defendant; he made an application for a booth license for horse-races to be held at Major's Creek on 26th January last; I produce that application (*Exhibit "A"*); I was present in Court when the Licensing Court dealt with the application on 20th January last; applicant was not present in Court, but he was represented by Mr. W. L. Fell; the Licensing Court then granted the certificate to authorise the issue of a booth or stand license which I now produce (*Exhibit "B"*); on 1st March last I saw defendant at Major's Creek; I said to him that I had called to see him about the alteration of the figures on the license; that was the booth license for the Major's Creek races; he said it was in the same state when he received it from the Treasury as it was when he handed it to Constable Marsh; I asked him who got the registered letter from the Post Office; he said that he could not say whether he or his son got it.

Cross-examined.

Cross-examined by Mr. Shipway : I know that Mr. Heazlet has had several previous booth licenses granted to him, and I believe the hours in all of them were from 10 a.m. to 7 p.m. ; defendant has been in this hotel for some years ; I have always understood he was a man of exceptionally good character ; he had no hesitation in giving me the information on 1st March last ; the fee payable for a booth license is fixed by the Liquor Act at £2, irrespective of the hours mentioned in the license.

Taken and sworn at Braidwood, this 20th day }
of June, 1910, before us,—

J. G. DRAPER.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHKA, J.P.

This deponent, Charles Benjamin Marsh, on his oath, saith as follows:—I am a constable of police, stationed at Major's Creek ; I know defendant ; I saw defendant on 25th January last at Major's Creek ; we went into his hotel ; defendant spoke to me in the street near his hotel, and said, "I have got that booth license ; if you come up I will show it to you ;" we then went to his hotel ; it is customary for me as officer in charge of police at Major's Creek to see these licenses ; he showed me the booth license, which I now produce (*Exhibit "C"*) ; when he handed me the license I put it on the bar and noted the number of the license, the date of issue, and the date and hours for trading ; the hours for trading were from 10 a.m. to 7 p.m. ; the license was then in the same state as it is now ; I handed the license back to defendant ; I attended the race meeting the next day ; he had the booth open from 10 a.m. to 7 p.m. ; between 6 and 7 p.m. appeared to be the busiest time ; I did not look at the license again on that day ; on the 28th January last I went to defendant's place and saw him there ; I said, "Have you got that booth license still ?" he said, "Yes, I think so" ; I said, "Will you let me have a look at it, please ? I want to see if I have noted the hours of trading correctly" ; he handed me the license (*Exhibit "C"*) ; I saw it was in the same state as it was on the 25th January last, and then said to defendant, "When I was in Braidwood yesterday it was brought under my notice that the certificate that was issued in connection with your application for a booth license fixed the hours for trading as from 10 a.m. to 6 p.m." ; I then asked him, "Did you write away for the license yourself ?" he said, "No ; Mr. Fell appeared for me, and he would write away for the license" ; I said, "Who did you receive the license from ? Did you get it direct from the Treasury ?" he said, "Well, I don't know if I got it from the Treasury or from Tucker & Co. ; I didn't know there was any trouble about the granting of my application ; I have always applied to have the hours of trading from 10 a.m. to 7 p.m., and the licenses have always been made out that way ; it is not much good to me if I have to close the booth at 6 o'clock, because that hour from 6 till 7 was the best hour of the day, and in fact it is better than all the rest of the day" ; I then examined in his presence the license (*Exhibit "C"*) by holding it up to the light, and where the figure "7" appears I could see there had been an erasure, and also a faint trace of the original figure ; I then drew his attention to where the figure "7" appears and the erasure ; I said, "There has been an alteration made where this figure "7" appears ; something has been erased from there" ; he said, "Well, in fact, I didn't look at the license when I got it, and didn't know what the hours were on it, and took it for granted that my application would be granted the same as it had always been" ; I said, "Do you know how this alteration was made ?" he said, "No ; the license is the same now as when I received it" ; on the 29th January the defendant called at the police-station at my request, and made and signed a statement in my presence ; I produce that statement (*Exhibit "D"*) ; the next time I saw him was when I served him with the summons in this case, on 5th May last ; he said, "Oh, I have got it now, and must make the best of it" ; on 28th January last defendant gave me the license, and I retained it.

Cross-examined by Mr. Shipway : Defendant was perfectly frank and candid in the conversations I had with him, and had no hesitation in coming to the station and making the statement (*Exhibit "D"*) ; I did not caution him, as I did not then know that any prosecution would eventuate, but I told him it was being referred to Sydney ; between 6 and 7 p.m. I have nothing besides looking after the bar to engage my attention ; there was no reluctance on his part to handing me the license on the 28th January.

Taken and sworn at Braidwood, this 20th day }
of June, 1910, before us,—

CHARLES B. MARSH.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHKA, J.P.

This deponent, Vicary Horniman, on his oath, saith as follows:—I am an officer in the Treasury, and I have control of the issue of licenses at the Treasury ; the certificate (*Exhibit "B"*) was received at the Treasury ; I have seen that certificate before ; on the authority of that certificate I issued the license (*Exhibit "C"*), but I did not fill in the writing ; I initialled the license and handed it over the counter ; it was not then in its present condition ; I took the fee for it at the Treasury and handed it over the counter to someone ; the figures of the hours of trading have been altered ; the figure 7 was not there when I issued it ; the original figure has been erased ; I know what was on the license I issued ; of my knowledge I know that there was a "6" there, but I could not swear so from looking at the license itself ; certain figures have been blackened ; the figures "10" (10 a.m.) ; the figures generally have been tampered with, having been blackened over, but stand as they originally stood ; they have been inked over since the license

license was issued ; the figure "2" in 26 has been tampered with ; the 1 (denoting 1st February), and the 0 in the 1910 following February, have been tampered with, also the 10 in the hours of selling ; the 7 in the hours of selling is not the original figure at all, and the 2 in the 21st of January has been tampered with ; the other figures may have been, but I would not like to swear so ; I did not make the alterations.

No questions.

Taken and sworn at Braidwood, this 20th day
of June, 1910, before us,—

VICARY HORNIMAN.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

This deponent, Guy Daniel, on his oath, saith as follows :—I am a clerk in the employ of Messrs. Tucker and Company, wine merchants, of 215, Clarence-street, Sydney, and reside at 96, Stanmore-road, Stanmore ; on 21st January last, from instructions received from my firm, I went to the Treasury ; I took a document and a cheque for £2 with me ; I believe that document to be the certificate (*Exhibit "B"*) ; I handed that document and the cheque over the counter ; I got the booth license (*Exhibit "C"*) from Mr. Vicary Horniman ; the hours of trading were not the same as they now appear ; they were not from 10 a.m. to 7 p.m., but I couldn't say what they were ; the 10 was there ; it was the 7 that was not there ; the 26 before "January," and the 1st before "February," and the 0 in 1910 following the "February" have been gone over again with a pen ; the 10 before "a.m." has also been gone over ; I took the license back to Mr. Hirst, the manager of Tucker and Company, and gave it to him ; this was about 12 o'clock ; it was brought to me subsequently about 1.30 p.m., and I then placed it in an envelope addressed to "J. Heazlett, Elrington Hotel, Major's Creek" ; I handed it then to a boy named Harry Gale, with certain instructions ; before placing it in the envelope it was in the same condition as that in which I received it from the Treasury ; it was placed with a letter in the envelope.

Cross-examined by Mr. Shipway : I read the document all through when I received it from Mr. Horniman ; I was not told to do so ; when I received it from Mr. Hirst it was folded inside the letter ; I took it out of the letter and read and examined it to see that it went to the right person ; I did not read it all through then ; I looked to see if there were any alterations ; nobody told me to look ; nothing prompted me to look then ; a number of these licenses go through Tucker & Co's. hands in a year ; I do not look at them all to see if there are any alterations ; I looked at it not to see if the hours of trading had been altered, but to see if it had been tampered with ; I have no knowledge of anyone who would have tampered with it whilst it was in Mr. Hirst's possession ; I put it in the envelope with the letter and handed it to Harry Gale ; he fastened the letter up in my presence.

To Mr. D'Apice : I look at every document before sending it away to make sure it is correct.

Taken and sworn at Braidwood, this 20th day
of June, 1910, before us,—

GUY R. DANIEL

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

This deponent, Harry Gale, on his oath, saith as follows :—I reside at Dutruc-street, Randwick, and am employed in the office of Tucker and Company ; on 21st January last I received a letter from Guy Daniel ; it was addressed to "J. Heazlett, Elrington Hotel, Major's Creek" ; I gummed the envelope up in his presence, and I then registered it at the General Post Office as a registered letter ; from the time I received it from Daniel until I posted it, it was not tampered with in any way.

No questions.

Taken and sworn at Braidwood, this 20th day
of June, 1910, before us,—

HARRY GALE.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

It is admitted that the registered letter of 21st January last, enclosing the booth license authorising defendant to sell liquor at the Major's Creek annual races at Major's Creek Racecourse, and now marked *Exhibit "C,"* was received by defendant from Messrs. Tucker & Co., in an unopened registered envelope, which was opened by the defendant.

Court-house at Braidwood, 20th June, 1910.

JOHN HEAZLETT.

State of New South Wales, }
Braidwood, to wit. }

Statement of the Accused.

JOHN HEAZLETT (hereinafter called the defendant) stands charged before the undersigned, five of his Majesty's Justices of the Peace in and for the said State, this twentieth day of June, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the twenty-fifth day of January, 1910, at Major's Creek, in the said State, did forge a certain document, to wit, a booth or stand license, with intent to defraud ; and that on the twenty-fifth day of January, 1910, he did offer, utter,

utter, dispose of, and put off the said forged booth or stand license, with intent to defraud; and the said charge being read to the said defendant, and the witnesses for the prosecution, James Golding Draper, of Braidwood, sub-inspector of police, Charles Benjamin Marsh, of Major's Creek, constable of police, Vicary Horniman, of Sydney, an officer of the Treasury, Guy Daniel, of 96, Stanmore-road, Stanmore, clerk, and Harry Gale, of Dutruc-street, Randwick, clerk, being severally examined in his presence, and he having stated that he does not desire the depositions of the said witnesses to be read to him, the said defendant is now addressed by us the said Justices as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I desire to give evidence on my own behalf."

Taken before us, and read over to the said defendant at Braidwood, in the said State, the day and year first above mentioned.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

This deponent, John Heazlett, on his oath, saith as follows:—I am the licensee of the "Elrington Hotel" at Major's Creek; I have resided there for nearly fifty-eight years; my father was the licensee before me, and I have been the licensee for the past twenty-five years; I am the holder of the freehold of the hotel; during the last twenty-five years I have obtained many booth licenses; they have been from either 9 a.m. or 10 a.m. to 7 p.m.; the present instance is the only case in which the license has been granted from 10 a.m. to 6 p.m.; I was not present at the Court when the license was granted, and I did not get the certificate from the Court; I saw in an issue of the *Braidwood Review* newspaper that the license had been granted; I had no other information, until I got my license from Tucker & Co., that my application had been granted; I did not read the booth license until I showed it to Constable Marsh on the 25th January last; the license, *Exhibit "C"*, is the one I showed to him; I received a letter (a registered letter) from Tucker & Co., dated 21st January last; I was in the act of opening it when I was called into the bar; that was the day I received it; I cut the envelope open with a knife, but did not withdraw the letter; I guessed it was the booth license, because it had Tucker & Co.'s address on the envelope, and I could see the letter inside; I left the letter on the table in the back parlour with the others; it was there from about noon until about 11 p.m. that night; that parlour is open to the public; I could not say if anyone was in that parlour during those hours; at 11 p.m. I put the letter in the drawer without looking at it further; I did not withdraw it from the envelope until I showed it to Constable Marsh on the 25th; I did not read it myself then; so far as I know it was then in the same condition as it is now; I did not see the license again until Constable Marsh asked for it again and drew my attention to the alterations; I had not seen any alterations before then as I had not looked at it; I voluntarily made the statement (*Exhibit "D"*); I told Sub-Inspector Draper what I knew about it; I did not make any alteration whatever on the license (*Exhibit "C"*) at any time, and any alterations made therein were not made with my knowledge or consent, or under my instructions, and I do not know who made the alterations.

Cross-examined by Mr. D'Apice: Tucker & Co. supply me with spirits; I don't think anyone in Tucker & Co. would have altered the license; I do not suggest anyone who could have altered it; the envelope was lying on the table; the first time I looked at the license was on the 25th, when I showed it to Constable Marsh; I did not notice anything about it; I did not look at the hours; I went out to the racecourse and opened the booth without looking at the hours; I told Sub-Inspector Draper that it had been lying on the table from noon to 11 p.m.

To Bench: I made application, or instructed my solicitor (Mr. Fell) to apply between the hours of 10 a.m. and 7 p.m.; I understood, not having heard from Mr. Fell, that the license had been granted for between those hours; no one else had any interest in that booth license; I am the only person to whom any profit could have accrued by keeping the booth open until 7 p.m.; Stephen Brown, George Fisher, my daughter Bertha Hannah, and Thomas O'Sullivan were assisting me in the booth that day; I did not have my license out at the races; I had shown it to Constable Marsh on the 25th.

Taken and sworn at Braidwood, this 20th day }
of June, 1910, before us,—

JOHN HEAZLETT.

A. GATES, P.M.
J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

By a majority the case is dismissed, and accused discharged.

J. H. BYRNE, J.P.
JAS. McDONALD, J.P.
R. G. HASSALL, J.P.
W. DUNSHEA, J.P.

Court-house, Braidwood, 20th June, 1910.

I dissent from this decision, being of the opinion that a *prima facie* case had been established.
Court-house, Braidwood, 20th June, 1910.

A. GATES, P.M.

Exhibit "A."

Rex v. Heazlett—Forgery and uttering. Braidwood Q.S., 27/10/10.

To the Licensing Magistrate, District of Braidwood.

I, JOHN HEAZLETT, of Major's Creek, licensee of the "Elrington Hotel," Major's Creek, beg to apply for a certificate authorising my holding a booth license for horse-racing, to be held at Major's Creek on the 26th day of January, 1910, until the 2nd day of February, 1910, from 10 a.m. to 7 p.m., on race days only.

Dated this 14th day of January, A.D. 1910.

JOHN HEAZLETT.

Mr. Licensing Inspector Draper for favour of report.—GEO. R. WILLIAMS, C.P.S. and C.L.C. Braidwood, B.C., 15/1/09. No Police objections to hours from 10 a.m. to 6 p.m.—J. G. DRAPER, Sub-Inspr., Braidwood, 15/1/10. Their Worships the Licensing Bench, Braidwood. Granted from 26/1/1910 to 1/2/10, between 10 a.m. and 6 p.m.—A. GATES, P.M., Chairman, JAS. McDONALD, J.P., Member, 20/1/10.

Major's Creek, 14 January, 1910.

THIS is to certify that John Heazlett, of the "Elrington Hotel," Major's Creek, has purchased the right of Publican's Booth at the Major's Creek Turf Club's annual races, to be held on the 26th January, 1910, at Major's Creek.

HENRY COOK,
Secretary, Major's Creek Turf Club.

Exhibit "B."

Rex v. Heazlett—Forgery and Uttering. Braidwood Q.S., 27/10/10.

Certificate to authorise the issue of a Booth or Stand License, Queanbeyan Electorate.

New South Wales, }
to wit. }
Braidwood Licensing District. }

I, the undersigned, being the Chairman of the Licensing Court holden at Braidwood on the twentieth day of January, one thousand nine hundred and ten, do hereby authorise the issue to John Heazlett, of Major's Creek, being a licensed publican holding a publican's license in respect of the "Elrington Hotel," situate at Major's Creek, of a booth or stand license for the Major's Creek annual races, to be held at Major's Creek Racecourse, for a period of seven days from the twenty-sixth day of January, 1910, to the first day of February, 1910, both days being inclusive, between the hours of 10 a.m. and 6 p.m.

The license to be issued hereon is to be used only upon such days as the races referred to actually take place.

Given under my hand and the Seal of the Court on the date first above mentioned.

A. GATES, P.M.,
Chairman.

Duplicate.

Mr. J. Heazlett,
"Elrington Hotel," Major's Creek.

Dear Sir, 215, Clarence-street, Sydney, 21 January, 1910.
We have paid the £2 for booth license, and enclose the license herewith. Hoping you will do well.

We remain,
Yours faithfully,
TUCKER & COY.

Exhibit "C."

Rex v. Heazlett—Forgery and Uttering. Braidwood Q.S., 27/10/10.

BOOTH OR STAND LICENSE.

Liquor Act, 1898, and Liquor (Amendment) Act, 1905.

No. 855.

WHEREAS John Heazlett, of Major's Creek, has deposited in the Treasury a certificate of the Licensing Court, held at Braidwood on the 20th day of January, one thousand nine hundred and ten, authorising the issue to him, being a licensed publican, holding a publican's license under the Liquor Act, 1898, and Liquor (Amendment) Act, 1905, for the house known by the sign of the "Elrington Hotel," situate at Major's Creek, in the State of New South Wales, of a booth or stand license for the place and time hereinafter mentioned; and whereas the sum of Two Pounds sterling, as the fee on such license, has been paid into the Treasury: Now I, the officer duly appointed to issue licenses under the said Acts, in virtue of the powers vested in me by the said Acts, do hereby declare that the said John Heazlett is licensed to sell liquor at the Major's Creek annual races, at Major's Creek Racecourse, but not elsewhere; and this license shall commence upon the 26th day of January, 1910, and continue in force until the 1st day of February, 1910, then next ensuing, both days inclusive, from 10 a.m. to 7 p.m. only, and shall be used only on the days upon which the sports herein referred to actually take place, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal, at Sydney, this 21st day of January, one thousand nine hundred and ten.

S. R. CORKHILL.

£2. End., G.E. Registered, W.H.

Exhibit

Exhibit "D."

Rex v. Heazlett—Forgery and uttering. Braidwood Q.S., 27/10/10.

Police Station, Major's Creek, 29 January, 1910.

I, JOHN HEAZLETT, do state that I received a booth license, No. 855, and dated 21/1/1910. I made application for the license through Mr. W. L. Fell, solicitor, of Braidwood, who was instructed to have the hours of trading fixed as from 10 a.m. to 7 p.m. Mr. Fell forwarded the certificate to Tucker & Co., 215, Clarence-street, Sydney, who lodged the certificate and license fee at the Treasury. I received the license per registered letter, but I cannot say if it was sent direct from the Treasury or by Tucker & Co. I was not aware until I was informed by Constable Marsh, this morning, that there had been any alteration of the license. I did not make any alteration in the figures on the license, which was in exactly the same state when I handed it over to Constable Marsh as it was when I received it. On all previous occasions when booth licenses have been granted to me the hours of trading were fixed as from 10 a.m. to 7 p.m. I am the licensee of the "Elrington Hotel," at Major's Creek.

Witness—CHARLES B. MARSH, 1st-C. Constable.

JOHN HEAZLETT.

Exhibit "D1."

Rex v. Heazlett—Forgery and uttering. Braidwood Q.S., 27/7/10.

Summons—Divisions 1 and 2, "Justices Act, 1902."

To John Heazlett, of Major's Creek, in the State of New South Wales, Licensed Publican.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace in and for the said State of New South Wales, for that on or about the twenty-fifth day of January, 1910, at Major's Creek, in the State aforesaid, you did forge a certain document to wit: a booth or stand license, with intent to defraud. And that, on the twenty-fifth day of January, in the year of our Lord one thousand nine hundred and ten, at Major's Creek aforesaid, you did offer, utter, dispose of, and put off the said forged booth or stand license, with intent to defraud. These are, therefore, to command you, in His Majesty's name, to be and appear, on Monday, the sixth day of June, 1910, at ten of the clock in the forenoon, at the Police Office, Braidwood, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this third day of May, in the year of our Lord one thousand nine hundred and ten, at Braidwood, in the said State.

GEO. R. WILLIAMS,
A Justice of the Peace.

Served personally on the 5th May, 1910.—CHARLES B. MARSH, 1st-C. Constable.

Forgery and uttering.—A.F.D., 8/7/10. Mr. Hirst, I think, should be at trial. Spas. issued, 15/7/10.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING THE CASE OF EDWIN BALKHAM—BREACH OF THE PARLIAMENTARY ELECTIONS ACT.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

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No. 1.

Depositions taken at the Court of Petty Sessions, Balmain, *Police v. Edwin Balkham*.

Summons Cases Nos. 391 and 392.

Court of Petty Sessions, Balmain, 14 September, 1910.

Hector McLean, Sub-Inspector of Police *versus* Edwin Balkham.

Breach Parliamentary Elections Act (two cases). Witness claims without verifying statements therein.

Information—(General Purposes).

New South Wales, }
to wit.

Act No. 41, 1906, section 34.

Wednesday, 14 September, 1910.

BE it remembered, that on this ninth day of September, in the year of Our Lord one thousand nine hundred and ten, at Balmain, in the State of New South Wales, Hector McLean, a sub-inspector of the police force of the said State, stationed at Balmain, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the Peace of Our Lord the King in and for the State of New South Wales, and informs me, that on the twenty-fifth day of July, in the year of Our Lord one thousand nine hundred and ten, at Drummoyne, in the said State, Edwin Balkham did unlawfully witness a certain claim made under Part III of the "Parliamentary Elections Act, 1906," by one Annie Warren, and directed by section 26 of the said Act to be witnessed, without satisfying himself, the said Edwin Balkham, by inquiry from the said claimant, Annie Warren, that the statements contained in the said claim were true, contrary to the Act in such case made and provided; whereupon the said prays that I, the said Justice, will proceed in the premises according to law.

Fee 6s., O.S.

HECTOR McLEAN.

Three subpoenas 3s., O.S.

Exhibited at Balmain, in the said State, on the day }
first above written, before me,—

GEO. M. MARSH, Justice of the Peace.

Information—(General Purposes).

New South Wales, }
to wit.

Act No. 41, 1906, section 34.

Wednesday, 14 September, 1910.

BE it remembered, that on this ninth day of September, in the year of Our Lord one thousand nine hundred and ten, at Balmain, in the State of New South Wales, Hector McLean, a sub-inspector of the police force of the said State, stationed at Balmain, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the Peace of Our Lord the King in and for the State

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Fee 6s., O.S.

HECTOR McLEAN.

Exhibited at Balmain, in the said State, on the day }
first above written, before me,—

GEO. M. MARSH, Justice of the Peace.

Summons—Divisions 1 and 2, "Justices Act, 1902."

To Edwin Balkham, of Drummoyne, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace in and for the said State of New South Wales, for that you did, on the twenty-fifth day of July, 1910, at Drummoyne, in the said State, unlawfully witness a certain claim made under Part III of the "Parliamentary Elections Act, 1906," by one Annie Warren, and directed by section 26 of the said Act, to be witnessed, without satisfying yourself, the said Edwin Balkham, by inquiry from the said claimant, Annie Warren, that the statements contained in the said claim were true. These are therefore to command you, in His Majesty's name, to be and appear, on Wednesday, the fourteenth day of September, 1910, at ten of the clock in the forenoon, at the Balmain Police Office, Balmain, in the said State, before such Stipendiary Magistrate for the Metropolitan Police District, in the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this ninth day of September, in the year of Our Lord one thousand nine hundred and ten, at Balmain, in the said State.

GEO. M. MARSH,
Justice of the Peace.

Summons—Divisions 1 and 2, "Justices Act, 1902."

To Edwin Balkham, of Drummoyne, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace in and for the said State of New South Wales, for that you did, on the twenty-fifth day of July, 1910, at Drummoyne, in the said State, unlawfully witness a certain claim made under Part III of the "Parliamentary Elections Act, 1906," by one May Warren, and directed by section 26 of the said Act to be witnessed, without satisfying yourself, the said Edwin Balkham, by inquiry from the said May Warren, that the statements contained in the said claim were true. These are therefore to command you, in His Majesty's name, to be and appear, on Wednesday, the fourteenth day of September, 1910, at ten of the clock in the forenoon, at the Balmain Police Office, Balmain, in the said State, before such Stipendiary Magistrate for the Metropolitan Police District, in the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this ninth day of September, in the year of Our Lord one thousand nine hundred and ten, at Balmain, in the said State.

GEO. M. MARSH,
Justice of the Peace.

State Electoral Acts, No. 33, 1902, and No. 41, 1906. (Section 26.)

ELECTORAL CLAIM.

District of (a) Burwood.

Surname—Warren.

Christian name at full length—May.

Sex—Female.

Place of residence—Tranmere-street, Drummoyne.

Occupation—Domestic duties.

I claim to have my name placed on the Electoral Roll for the above District, to vote at (b) Drummoyne.

1. I am a (c) naturalised subject of the King.
2. I am not under the age of twenty-one years.
3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above District for a continuous period of three months immediately prior to the date of this claim.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any District.

Dated the 25th day of July, 1910.

Usual signature—May Warren.

I, Edwin Balkham, an elector enrolled for Drummoyne Polling-place, in the Electoral District of Burwood, certify that I have seen the abovenamed claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

Witness to signature of claimant—Edwin Balkham.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 4th day of August, 1910.

H. S. BEVERIDGE, Registrar (or Deputy Registrar).

(a) Here insert name of Electoral District.
"naturalised," as the case may be.
for one year after naturalisation."

(b) Here insert name of Polling-place. (c) Here insert "natural-born" or
(d) In the case of a naturalised subject, state "and have resided therein

State

State Electoral Acts, No. 33, 1902, and No. 41, 1906. (Section 26.)

ELECTORAL CLAIM.

District of (a) Burwood.
Surname—Warren.
Christian name at full length—Annie.
Sex—Female.
Place of residence—Tranmere street, Drummoyne.
Occupation—Domestic duties.

I claim to have my name placed on the Electoral Roll for the above District, to vote at (b) Drummoyne.

1. I am a (c) naturalised subject of the King.
2. I am not under the age of twenty-one years.
3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above District for a continuous period of three months immediately prior to the date of this claim.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any District.

Dated the 25th day of July, 1910.

Usual signature—Annie Warren.

I, Edwin Balkham, an elector enrolled for Drummoyne Polling-place, in the Electoral District of Burwood, certify that I have seen the abovenamed claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

Witness to signature of claimant—Edwin Balkham.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 4th day of August, 1910.

H. S. BEVERIDGE, Registrar (or Deputy Registrar).

(a) Here insert name of Electoral District. (b) Here insert name of Polling-place. (c) Here insert "natural-born" or "naturalised," as the case may be. (d) In the case of a naturalised subject, state "and have resided therein for one year after naturalisation."

Mr. D'Apice for the prosecution.
Mr. Peterson for the defendant.
Plea—"Not guilty" to both cases.

This deponent, Thomas Kay, on his oath, saith as follows:—I am a sergeant of police stationed at Drummoyne; I am the officer in charge of the police in the Drummoyne subsection; in certain cases, claims under the Act are referred to me; I look at the two claims shown me; they are claims under section 26 of the Act, and were referred to me by the Electoral Registrar of Burwood electorate; Drummoyne is in that electorate, and is in the Metropolitan Police District; I received the claims on the 6th August last; on that day, I went and saw Miss Warren, also Gertie Davis, and had a conversation with them; afterwards, on the same day, about 9 p.m., I saw the defendant at his residence, Bridge-street, Drummoyne; I said to him, "Did you witness the two claims by May Warren and Annie Warren, of Tranmere-street?" he said, "Yes"; I then showed him the two claims; I said, "Is that your signature?" and he said, "Yes"; the two claims shown me are the ones I showed him (*Produced, and marked No. 1.*); I said, "Are you aware that Mrs. Warren has been in Queensland for the last two months?" I referred to Annie Warren, on one of the claims; he said, "But did she not come down for her husband's funeral about a fortnight ago?" I said, "No"; he then said, "Well, I don't know; I gave them the claims, but I don't know who signed them"; I then said, "And yet you have signed that claim without witnessing her signature?" he did not reply to that; I served the summons on him last Friday; I read the summons referring to May Warren first; he made no reply; I then read the one referring to Annie Warren; he said, "I am satisfied that Annie Warren signed it; at least, she said her name was Annie Warren, and I'll be able to prove it"; he admitted the signature of both claims as his.

To Mr. Peterson: All the claims referred to me I investigate; I believe I get nearly all the claims; the defendant knows that I investigate the claims; I cautioned him a fortnight before with reference to a person named McEwan; McEwan did not say that it was his fault; I reported that matter; McEwan told me that he had been residing here for three months; he may have satisfied himself that the statements were true on that occasion, in McEwan's case.

To Mr. D'Apice: The defendant had witnessed the claim in McEwan's matter that McEwan had been resident in the State for one year; as a matter of fact, he had been resident only 3 months; before that he was in Victoria.

To Mr. Peterson: The defendant has sent a number of claims in.

Taken and sworn at the Police Court, Balmain, this }
14th day of September, 1910, before me,— }

THOMAS KAY.

JOHN L. KING, S.M.

This deponent, Gertrude Davis, on her oath, saith as follows:—I reside at Tranmere-street, Drummoyne, and am a spinster; Miss Warren boards with me—that is, May Warren; there is no other Miss Warren at my place; her mother is Annie Warren; she is in Queensland; she was last with me about two months ago; she was not with me in July; she left my place in the beginning of July; she was not at my place on the 25th July; I know the defendant; he came to my place about the 23rd July last; Miss Warren was then at home; he saw us both; he said that our names were not down on the roll; I said, "Yes, it was"; I told him my name was Gertrude Davis; he then looked on the roll, and he saw that my name was down; he said to May Warren, "How about you, Miss Warren; is

is your name down?" she said, "No, I don't want to vote"; he said, "Come along; get your name down"; he then said, "How about your mother?" she said, "My mother is not in Sydney; I don't think she can vote"; he said, "Oh, yes, she can post her vote," and he then put Annie Warren's name down on a piece of paper, also May Warren's name; he said that he would put them in for a claim to be put on the rolls; I again saw him a couple of nights afterwards; he came about 7 o'clock; I saw him; he asked me first if Miss Warren was in; I said, "No"; he said, "I want you to sign these papers for me; put May Warren on one (*handing me one*), and Annie Warren on the other (*handing me the second one*); I said, "Will I be doing right in signing them?" he said, "Its all right; it's only a matter of form"; I then took them in and signed them; I look at the two claims shown me; I signed them; they are the ones I signed; he did not ask me any questions, nor did he witness them in my presence; I then handed them back to him; the sergeant saw me lately; at that time, as far as I know, Annie Warren was in Brisbane.

To Mr. Peterson: I have been subpoenaed to come here to-day; I have not been told that I was liable for signing the document; Kay never told me; I never heard that I was liable; I have a pretty fair memory; May Warren was not there the last time; I signed both the claims; I gave them to him, and he took them away.

G. DAVIS.

Taken and sworn at the Police Court, Balmain, this }
14th day of September, 1910, before me,— }

JOHN L. KING, S.M.

This deponent, May Warren, on her oath, saith as follows:—I reside at Trammere-street, Drummoyne; I board with the last witness; my mother's name is Annie Warren; she travels about in the country; she is at present, as far as I know, in Queensland; she was here about two months ago; she went away about the beginning of July; she was not here after the middle of July; I know defendant; he has met my mother; I remember defendant coming to my house; it was about the end of July; my mother was then in Queensland; Miss Davis was there when he called; defendant saw me; he asked me if my name was on the roll; I said, "No"; my name was not on the roll; he then asked me to have it put on; I said that I would; he said, "What about your mother, will she vote?" I said, "She's away, she can't vote"; he said, "She could send her vote down by post"; I told him that she was in Queensland; he then put down on a piece of paper particulars of me and my mother; my mother's name is not on the roll; I was not at home a couple of nights later when he called; I look at the claim signed "May Warren"; I did not sign that; I did not sign either of the claims; defendant did not ask me any questions about the papers; I never saw them before the sergeant showed them to me.

To Mr. Peterson: I have been living there about four years; Miss Davis has been living there that time also; I have spoken to her since I saw the sergeant about the case; I knew what I was going to say; I saw the defendant on the first occasion; he asked me to go on the roll, and I said I was; he knew who I was; Miss Davis had introduced us; he knows my mother; he has been to the house before, about twelve months ago; he said that my mother could vote by post; he didn't then leave a form for her; he didn't have any forms with him that night; he just took the names; the second night I didn't see him at all.

To Mr. D'Apice: Defendant is a labourer, and he did some asphaltting for my mother.

To Bench: I didn't tell him that my mother was a foreigner, and that she was naturalised.

Taken and sworn at Police Court, Balmain, this }
14th day of September, 1910, before me,— }

M. WARREN.

JOHN L. KING, S.M.

This deponent, Henry Sydney Beveridge, on his oath, saith as follows:—I am Electoral Registrar for the Electoral District of Burwood; Drummoyne is within that Electoral District; I look at the documents marked *Exhibit* No. 1; they are electoral claims under section 26 of the Elections Act; under subsection 2 of that section I refer to the claims of the officer in charge of the district; those claims were received by me on the 4th August, and under the section mentioned I referred them to the officer in charge of the police at Drummoyne.

No questions.

Taken and sworn at the Police Court, Balmain, this }
14th day of September, 1910, before me,— }

H. S. BEVERIDGE.

JOHN L. KING, S.M.

Defence.

Mr. Peterson submits that sections 26 and 34 must be read together; that there is no evidence that defendant is an elector; over-ruled.

This deponent, Edwin Balkham, on his oath, saith as follows:—I am a locksmith, and reside at Bridge-street, Drummoyne; I am Secretary of the Political Labour League; I know Miss Davis, and also Miss Warren; the signatures on the claims are mine; a Mrs. Davis passed my shop in Bridge-street one day, and I asked her was she on the roll; she said, "She didn't know, that she didn't think they were"; I said that I would bring the roll up and find out if they were on the roll; I did so; I saw Mrs. Davis when I went to the house; I found that she was on the roll; and she then introduced me to two young ladies there and told me to ask them if they were on the roll; I asked them and I found out that Miss Warren and Mrs. Warren were not on the roll; I asked them if Mrs. Warren was there; They told me, "No, that she was away in Queensland"; I said, "If she is not on the roll she won't be able to vote; but if you send her a claim in time, she can fill it in and have it sent to the Registrar and claim a postal vote"; I then, two or three evenings following, took the claims up, and when I got to the house, they were having dinner; the two claims, *Exhibit* No. 1, shown me are the ones I took there; I filled them up, the top part of them; I did that because I knew Mr. and Mrs. Warren to have resided there for a period of considerably over two years; I was under the impression that it was Mr. Warren's property, and that is why I filled the claims up already for Miss Warren and Mrs. Warren to sign; I was always under the impression that Miss Davis was either a Miss Warren or a young Mrs. Warren; I have done work for Mr. Warren, plumbing work, over twelve months ago, and Miss

Davis

Davis always directed operations; I was given the names "May Warren" and "Annie Warren," by Gertrude Davis and May Warren; I had absolutely no knowledge of their names previous to this; from my own personal knowledge I was perfectly satisfied that I was witnessing the signatures of May Warren and Annie Warren; Gertrude Davis signed "Annie Warren"; I did not see May Warren sign her claim; I waited until they were brought to me; I did not know which way they were going to vote.

To Mr. D'Apice: I saw Miss Davis sign "Annie Warren"; I filled in the particulars before I got there; I did not sign my name there and then; I signed it as soon as I got home; I inquired her for the particulars; I did not ask "Gertrude Davis what her name was"; I now say that I did ask her what her name was; I cannot remember what she said in reply; I got the particulars from the two witnesses who were called to-day; that was when I called on them, the first night; I heard Miss Davis' evidence to-day; I do not remember asking her if she was on the roll; I might have asked her; I do not remember if she said that her name was on the roll, telling me her name; I did not then look on the roll and find her name on the roll; I did do so to Mrs. Davis, not to Miss Davis; she must be making a mistake; before she signed the paper I asked her the necessary questions; the claims were filled up a couple of days after; the claims were signed by Miss Davis a couple of days after I had first seen them; I asked her if she was a resident here and how long she had been here; I think she told me that she had lived there for four years; I do not know what section 34 of the Act is; I know the section now it is read over to me; before getting the young lady to sign "Annie Warren," I asked her questions; I heard what she said to-day; I signed the claim signed "May Warren"; I did not see anyone sign "May Warren"; I asked Miss Davis who brought it to me "Are they all right," and she said "Yes"; I witnessed that signature without seeing it signed; I was told that Mrs. Warren was in Queensland; I suggested her getting a vote by post; I did not know what her name was; I knew her as "Mrs. Warren"; I am an elector on the roll.

To Bench: I did work there over two years ago.

EDWIN BALKHAM.

Taken and sworn at the Police Court, Balmain, this)

14th day of September, 1910, before me,—)

JOHN L. KING, S.M.

Edwin Balkham, Drummoyne—For reduction of fines imposed upon him for wrongly witnessing Electoral Claims.

Sir,

Bridge-street, Drummoyne, 22 September, 1910.

I would respectfully ask for a reduction of the fines imposed upon me at the Balmain Police Court on Wednesday, 14th September, on two charges that I had wrongfully witnessed two electoral claims. There was a fine in each case of £5, together with costs, making a total of over £11. The penalties were the full penalties under the Act. The two cases occurred at the same time and at the same house.

The summonses, I understand, were the first to be heard, and subsequent summonses against other persons, viz., hotelkeepers, had resulted in penalties of £1 being imposed in each case. I do not wish in any way to lessen the seriousness of the offence. I am a married man, and my occupation is that of a coal-miner. I have not been working for several weeks, and I have no money by me. Should the fines not be paid, the punishment is two months' imprisonment.

Trusting that the matter may receive favourable consideration for a reduction, or failing that, that I may have some further time to pay.

I have, &c.,

The Honorable the Attorney-General, Sydney.

EDWIN BALKHAM.

Acknowledge.—F.C., 24/9/10. C.P.S., Balmain, *re* stay of action and for Court papers, 26/9/10. The Inspector-General of Police, for favour of inquiry and report. Proceedings were taken by Sub-Inspector McLean, of Balmain. It is understood that Balkham is working at the Sydney Harbour Collieries, and getting good wages, and that he has paid the fine and costs (£5 19s.) in the first case.—J. L. WILLIAMS, Under Secretary (*per* D.R.J.), B.C., 29/9/10.

Police v. Edwin Balkham.

Breach of Parliamentary Elections Act, 1906 (in case of Annie Warren).

Convicted.

Fined £5 and costs 9s., and 10s. witnesses' expenses, in default two months' hard labour.

Seven days allowed to pay.

Paid £5 19s., 27/9/10, A.W.

JOHN L. KING, S.M.

Police v. Edwin Balkham.

Breach of Parliamentary Elections Act, 1906 (in case of May Warren).

Convicted.

Fined £5 and costs of Court 6s., and witnesses' expenses, 10s., in default two months' hard labour.

Allowed fourteen days to pay.

Paid £5 16s., 26/10/10, A.W.

JOHN L. KING, S.M.

Court-house, Balmain, 14th September, 1910.

C.P.S., Balmain, forwarding papers in cases against Edward Balkham, and as to extension of time for payment second fine.

Court-house, Balmain, 27 September, 1910.

MEMO.—*Police v. Edwin Balkham*—Breach Parliamentary Elections Act (two cases).

Under separate cover please find the papers in connection with the above cases, which I am forwarding in accordance with your request contained in Memo., dated 26th instant, and received this morning.

With reference to these cases, I beg to state that the President of the Political Labour League, Drummoyne, called on me last week with reference to an extension of time for the payment of these fines. He said he was willing to go security for the amount, if possible. I granted an extension of the time for the payment

payment of the first fine until to-day, without security. He was quite satisfied, and said that the money would be collected amongst the members of the league. I also said that if the first fine was paid to-day, I would give a reasonable extension for the payment of the second. Balkham is working at the Sydney Harbour Collieries, and is getting good wages.

Since writing the foregoing, Balkham has paid the first fine and costs, £5 19s., and I have allowed him fourteen more days to pay the second fine and costs.

GEO. M. MARSH,
Clerk of Petty Sessions and Chamber Magistrate.

To the Under Secretary,
Department of Attorney-General and of Justice, Sydney.

Police Department, Inspector-General's Office, Sydney, 30 September, 1910.
Referred to Superintendent Sherwood for favour of careful inquiries and full report.

THOMAS GARVIN,
I.-G. Police (*per G.W.*).

The Supt. of Police, Sydney. Mr. McLean.—A.E.S., Supt., 30/9/10.

Re application by Edwin Balkham, of Bridge-street, Drummoyne, for the reduction of a fine imposed upon him for unlawfully witnessing Electoral Claims

Sir, No. 8 Police Station, Balmain, 7 October, 1910.

I beg to report that the above-named applicant appeared before the Balmain Police Court on the 14th ultimo on two charges of unlawfully witnessing electoral claims. In the first instance he was fined £5 and 19s. costs, or two months' hard labour (seven days to pay); in the second instance he was fined £5 and 16s. costs, or two months' hard labour (fourteen days to pay). The applicant has resided for the past two and a-half years in Drummoyne, and apart from the offences in question, was well-conducted, although always regarded as an ignorant and erratic political faddist. He was apparently unable to comprehend the enormity of those offences until the termination of the prosecution. He is a married man, and has five children, aged 8, 7, 5, 3, and 1½ years respectively, and pays 7s. 6d. weekly for rent. He is a miner employed at the Sydney Harbour Colliery, Balmain, at an average weekly earning of about £2 10s., and is only in struggling circumstances, and if a reduction of the unpaid portion of the fine in question be considered inadvisable, perhaps some extension of time could be arranged for its payment without interfering with the course of justice, as the applicant is not likely to leave this district. All the papers in connection with these prosecutions are now at the office of the Under Secretary of Justice.

I have, &c.,
HECTOR McLEAN,
Sub-Inspector.

The Superintendent of Police, Sydney.
S. 1910—15,118.

Forwarded to the Inspector-General of Police.—A. E. SHERWOOD, Superintendent, 8/10/10.
Forwarded.—THOMAS GARVIN, Inspector-General of Police (*per G.W.*), 8/10/10. The Under Secretary, Department of Attorney-General and of Justice, Sydney, Referred to J. L. King, Esquire, Stipendiary Magistrate, for favour of report. Court papers are forwarded under separate cover.—J. L. WILLIAMS, Under Secretary (*per D.R.J.*), B.C., 13/10/10. I cannot recommend any remission of fine in these cases. Time may be given.—JOHN L. KING, S.M., 20/10/10. The Under Secretary, Department for the Attorney-General and of Justice.

Department of the Attorney-General and of Justice, Sydney, 24 October, 1910.

Minute by the Under Secretary, Department of the Attorney-General and Justice.

Subject.—Application for reduction of fines imposed on Edwin Balkham at Balmain,

Offences (2).—Witnessing (State) electoral claims without making necessary inquiries.

Each case.—Fine £5 and costs (also witnesses' expenses, 10s.).

Submitted.—Court papers, police report, report of the Chamber Magistrate, Balmain; as to payment of one of the fines, and report of Mr. J. L. King, Stipendiary Magistrate, Sydney, are attached.

J. L. WILLIAMS,
Under Secretary.

The only purpose of these prosecutions is to call public attention to the obligations of the law. Well-meaning enthusiasts like the applicant in this case have by now received sufficient warning. The ends of justice will be sufficiently served in this case if the offender pays a fine of 1s. and the costs of Court. The rest may be remitted to him. This decision is not necessarily a guide in other cases which will be dealt with on their merits. It may be communicated to the Press.—W. A. HOLMAN, 3/11/10.

Department of the Attorney-General and of Justice, 4 November, 1910.

His Excellency the Governor,—

I recommend that each of the two fines of £5 imposed upon Edwin Balkham for witnessing electoral claims without making necessary inquiries be reduced to 1s. and costs.

W. A. HOLMAN.

Appd.—CHELMSFORD 7/11/10. Returned, 7/11/10. Mr. Balkham, 7/11/10. Memo., Mr. Balkham (with order). Mr. King, S.M. Voucher to Treasury. Deps. to C.P.S., Balmain, 8/11/10. Put by.—C.D.R., 9/11/10.

Ascertained by telephone from the Chamber Magistrate, Balmain, that the fine and costs in *each case* have been paid. He will furnish at once usual particulars as to transmission to Treasury and appropriation.—E.H.S., 7/11/10.

C.P.S.

C.P.S., Balmain.—Particulars of payment of fines in case of Edwin Balkham.

Police v. Balkham.—Breach of Electoral Act (two cases).

Sir,

Court-house, Balmain, 7 November, 1910.

With reference to your telephone message of this afternoon *re* above case, I have the honor to state that the two fines of £5 each have been paid and forwarded to the Treasury, to the credit of revenue.

The dates and amounts of the Treasury receipts for the two payments are as follows:—1st October, ultimo, No. 1,158, £75 8s.; 31st October, ultimo, No. 1,537, £34 18s. 6d.

I have, &c.,

GEO. M. MARSH,

The Under Secretary,

Clerk of Petty Sessions and Chamber Magistrate.

Department of Attorney-General and of Justice, Sydney.

Seen.—W.A.H., 11/11/10.

Sir,

Department of the Attorney-General and of Justice, Sydney, 7 November, 1910.

Referring to your letter of the 22nd September last, asking for the reduction of the two fines of £5 each, imposed on you for breaches of the Parliamentary Elections Act, I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has been pleased to approve of the fines in question being reduced to 1s. and costs in each case, and the necessary refund voucher in your favour for £9 18s. will be sent to the Treasury as soon as certain particulars have been received from the Chamber Magistrate, Balmain.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(*per* D.R.J.)

Mr. Edwin Balkham, Bridge-street, Drummoyne.

Sir,

Department of the Attorney-General and of Justice, Sydney, 8 November, 1910.

Referring to your report dated the 20th ultimo, respecting the case of Edwin Balkham, who was fined £5 and costs at the Balmain Police Court, on the 14th September last, for breaches of the Parliamentary Elections Act, I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has been pleased to approve of such fines being reduced to 1s. each, and costs.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(*per* D.R.J.)

J. L. King, Esquire, S.M., Sydney.

MEMO. from the Under Secretary, Department of Attorney-General and Justice, to The Clerk of Petty Sessions, Balmain.

Department of the Attorney-General and of Justice, Sydney, 8 November, 1910.

THE Court papers in the case of Edwin Balkham, fined for breaches (2) of the Parliamentary Elections Act, are returned under separate cover.

His Excellency the Governor has approved of the fine imposed in each case being reduced to 1s., and costs.

J. L. WILLIAMS,

Under Secretary

(*per* D.R.J.)

The Clerk of Petty Sessions and Chamber Magistrate, Balmain.

Balkham's case.—Get depositions or newspaper report of this again.—W.A.H. Urgent, Telephone.
—J.L.W., 11/11/10. Now herewith.—J.L.W., 12/11/10.

1910,
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING REMISSION OF PORTION OF FINE IMPOSED ON MR. GEORGE AMBLER,
FOR BREACH OF CITY BY-LAWS—LOITERING ON THE FOOTWAY.)

Printed under No. 3 Report from Printing Committee, 15 December, 1910.

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No. 1.

Mr. G. Ambler to The Under Secretary of Justice.

Sir,

City Tattersall's Club, Pitt-street, 14 October, 1910.

The Magistrate, Mr. Maitland, advises me to write to you for kind consideration of my case.

The facts are these:—I was summoned to appear on the 12th, for loitering, for which I was fined £1, and 6s. costs. I at the time was laid up with rheumatism at Newcastle. On the Monday of the 12th I wired Mr. Barnett that it was my first offence, and being unable to attend, I would try and be in Sydney on the 13th, but upon my arrival my wire had not been opened; the reason being that Mr. Maitland was the magistrate sitting. I was then charged an extra £1 for non-appearance, making the sum £2 6s. in all. I have since seen Mr. Maitland, who has gone into the matter, and advised me to write you for the return of £1; the £2 6s. having been paid in under the circumstances, he himself could not refund, but had I not paid he would have taken the fine of £1 6s.

Trusting to a favourable reply.

Yours, &c.,

GEORGE AMBLER.

The Inspector-General of Police, in the first instance, for favour of inquiry and report.—D.R.J. (for U.S.), B.C., 18/10/1910. Forwarded to the Superintendent of Police, Sydney, for attention and report.—THOMAS GARVIN, Inspector-General of Police, October 19, 1910. Mr. Soby, A.R.S., Supt., 19/10/1910.

No. 2.

Police Reports on Case.

No. 1 Police Station, Clarence-street, Sydney, 21 October, 1910.

SERGEANT CHENEY reports that Ambler was summoned to appear at the Central Summons Court on 12th instant, to answer an information laid against him by the Police for loitering in Pitt-street, but he failed to appear, and the case was disposed of *ex parte*.

Mr. Maitland, the presiding Magistrate, asked whether the Police knew of any reason for Ambler's non-attendance, and on being informed that none was known, Ambler was fined £2 and 6s. costs.

Three other bookmakers, who appeared on the same date to answer a similar information, were each fined £1 and 6s. costs.

Ambler is a persistent loiterer in Pitt-street.

The sergeant has been reliably informed that he was not suffering from an attack of rheumatism, as alleged, but was following his calling at the Newcastle Races on the 12th instant.

JAMES CHENEY,
Sergeant.

Sub-Inspector Sobyce.

Forwarded to the Superintendent of Police, Sydney.—W. SOBYE, Sub-Inspector. October 21st, 1910.

Forwarded to the Inspector-General of Police.—A. R. SHERWOOD, Superintendent, October 22nd, 1910.

Police Department, Inspector-General's Office, Sydney, 22nd October, 1910. Police reports herewith for information. The case certainly does not appear to be one in which the fine should be reduced.—THOMAS GARVIN, Inspector-General of Police. The Under-Secretary, Department of Attorney-General and of Justice. E. L. Maitland, Esquire, Deputy Stipendiary Magistrate, Sydney, for favor of report and Court papers.—J. L. WILLIAMS, Under-Secretary (*per D.R.J.*), B.C., 25/10/1910.

No. 3.

Report of Mr. E. L. Maitland, D.S.M.

I UNDERSTAND the Defendant wired Mr. Barnett apologising for his non-attendance. Had this come to my knowledge, the fine, as in similar cases the same day, would have been 20s. Under the circumstances I respectfully recommend the remission of 20s. Mr. Ambler is in error in stating that I recommended his applying to you. I merely told him I would look into the matter.

Court papers herewith.

E. L. MAITLAND,

The Under Secretary, B.C., 26/10/1910.

Deputy Stipendiary Magistrate.

No. 4.

The Under Secretary, Department of the Attorney-General and of Justice, to The Attorney-General and Minister of Justice.

Submitted.

Court papers, Police report, and report of Mr. E. L. Maitland, Deputy Stipendiary Magistrate, Sydney, are attached.

2nd November, 1910.

J. L. WILLIAMS,

Under Secretary.

I recommend remission of £1 as applied for.—W.A.H., 12/11/10.

No. 5.

The Attorney-General and Minister of Justice to His Excellency the Governor.

I RECOMMEND that the fine of £2 imposed on George Ambler for loitering on the footway be reduced to £1, and costs.

14th November, 1910.

W. A. HOLMAN.

Approved.—Chelmsford, 22/11/10.

No. 6.

The Under Secretary, Department of the Attorney-General and of Justice, to The Clerk of Petty Sessions, Central Police Office.

Department of the Attorney-General and of Justice,
Sydney, 23 November, 1910.

(*Re* Fine, £2, imposed upon George Ambler, on the 13th day of October, 1910, for loitering on the footway.)

If the fine in this case has been remitted to the Treasury, will the Clerk of Petty Sessions, &c., be so good as to state—(1) The total amount of remittance to Treasury in which the penalty was included; (2) the number and date of Treasury receipt; and (3), how the fine was appropriated.

J. L. WILLIAMS, Under Secretary,
(*per D.R.J.*)

The fine and costs in this case, £2 6s., have been paid to the Municipal Council of Sydney, being included in cheque for £80 5s. 6d., dated 31st October, 1910. The prosecution was for a breach of one of the City by-laws.—H. S. HAWKINS, Acting Clerk of Petty Sessions. The Under Secretary, Department of the Attorney-General and of Justice, B.C., 24th November, 1910.

As it has been ascertained that the fine and costs in this case (£2 6s. 0s.) were paid over to the Municipal Council on the 31st October last, the Town Clerk, Sydney, may be asked, in view of His Excellency's decision of 22/11/10, to say whether there would be any objection on the part of the Municipal Council to refund the sum of £1 to George Ambler.—G.W. for Under Secretary, 28th November, 1910.

3

No. 7.

The Under Secretary, Department of the Attorney-General and of Justice, to
The Town Clerk, Sydney.

Department of the Attorney-General and of Justice,
Sydney, 1 December, 1910.

Sir;

Referring to the case of George Ambler, who was convicted at the Central Police Court on the 12th ultimo, of a breach of the City by-laws (loitering on the footway), I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has been pleased to approve of the fine of £2 imposed in this case being reduced to £1 and costs 6s.

As it is understood that the fine and costs in this case (£2 6s. 0d.) were paid over to the Municipal Council of Sydney on the 31st October, I am to request that you will be good enough to state whether, in view of His Excellency's decision, there would be any objection on the part of the Council to refund the sum of £1 to George Ambler.

I have, &c.,
J. L. WILLIAMS,
Under Secretary (*per* G. W.).

No. 8.

The Town Clerk, Sydney, to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

Town Clerk's Office, Sydney, 2 December, 1910.

I have the honour to acknowledge the receipt of your letter of the 1st instant, No. 10/16,327, relative to a reduction of the fine in connection with the case of George Ambler, who was convicted at the Central Police Court on the 12th October last, for a breach of the City By-laws, and, in reply, beg to inform you that the matter will have consideration, and a further communication sent as soon as possible.

Yours faithfully,
T. H. NESBITT,
Town Clerk.

No. 9.

The Town Clerk, Sydney, to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

Town Hall, Sydney, 7 December, 1910.

Referring to your communication of the 1st instant in the matter of the remission of a portion of the fine in respect of the conviction of one George Ambler, at the Central Court on the 12th October last, of a breach of the City by-laws (loitering on the footway), and asking if there would be any objection on the part of the Council to refund the sum of £1 to George Ambler, I have the honor, by direction of the Lord Mayor, to write and state that having regard to the fact that His Excellency the Governor has been pleased to approve of the fine of £2 imposed in the case being reduced to £1 and costs 6s., no objection will be raised by the Council to refund the sum of £1 as desired in the present instance.

At the same time I have respectfully to point out that heretofore it has been the custom to ask for the observations of the City Council prior to any remission being made in any fine which may have been imposed. In the case under review, I have respectfully to point out that the responsible officer reports that the case was taken on information by the police, both witnesses, namely, Sergeant Cheney and Constable Kammel, being away at present on annual leave. It is also respectfully submitted that loitering on the footway in Pitt-street, between Market-street and Park-street, causes considerable inconvenience and annoyance to passers-by, especially before and after race meetings. I am further to add that Mr. Barnett, S.M., stated in the Central Police Court that he was determined to stop the practice, and that he would in the future increase the fine until the practice ceased. Mr. George Ambler, being one of a group of five, was warned to discontinue the loitering, but continued to do so in defiance of such warning, and on general grounds it appears that the remission of penalties in cases such as that referred to should be discouraged, unless the circumstances are very exceptional, which they do not appear to be in this instance.

As previously stated, however, having regard to the fact that His Excellency has approved of the reduction of the fine, no objection will be raised on the part of the City Council to refund the sum of £1 to George Ambler.

I have, &c.,
T. H. NESBITT,
Town Clerk.

No. 10.

The Under Secretary, Department of the Attorney-General and of Justice, to
The Town Clerk, Sydney.

Department of the Attorney-General and of Justice,

Sir,

Sydney, 10 December, 1910.

With reference to your letter of the 7th instant, intimating that there would be no objection on the part of the City Council to the refund to George Ambler of the sum of £1, portion of a fine of £2 imposed on him at the Central Police Court, on the 12th October last, for a breach of the City by-laws (loitering on the footpath), I have the honor to request that you will be so good as to have the amount in question handed over to the Clerk of Petty Sessions and Chamber Magistrate, Central Police Office, for refund to Ambler in due course.

I have, &c.,
J. L. WILLIAMS,
Under Secretary,
(*per* D.R.J.).

No. 11.

No. 11.

The Under Secretary, Department of the Attorney-General and of Justice, to
Mr. George Ambler.

Department of the Attorney General and of Justice,
Sydney, 10 December, 1910.

Sir,

DATE of letter under reply:—14 October, 1910.

Subject:—Applying for refund of portion of fine of £2 imposed on you for breach of the City by-laws.

Reply:—His Excellency the Governor has approved of this fine being reduced to £1 and costs, and the sum of £1 will be refunded to you in due course upon application therefor being made to the Clerk of Petty Sessions and Chamber Magistrate, Central Police Office, by you.

J. L. WILLIAMS,
Under Secretary,
(per D.R.J.).

No. 12.

The Under Secretary, Department of the Attorney-General and of Justice, to The
Clerk of Petty Sessions, Central Police Office.

MEMO.

Department of the Attorney-General and of Justice,
Sydney, 10 December, 1910.

THE Court papers in the case of George Ambler, convicted of a breach of the City by-laws, are herewith returned.

His Excellency the Governor has approved of the fine imposed in this case being reduced to £1 and costs, and the City Council, who have expressed their willingness to refund the sum of £1 to Ambler, have been asked to hand over the amount to you for that purpose, and Ambler has been advised of the action taken.

J. L. WILLIAMS,
Under Secretary,
(per D.R.J.).

No. 13.

The Town Clerk, Sydney, to The Under Secretary, Department of the Attorney-
General and of Justice.

Sir,

Town Clerk's Office, Sydney, 12 December, 1910.

I have the honor to acknowledge the receipt of your letter of the 10th instant, with reference to the refund of the sum of £1, portion of a fine of £2 imposed on George Ambler at the Central Police Court on the 12th October last, and in reply to inform you the matter has been referred to the City Treasurer for attention.

I have, &c.,
T. H. NESBITT,
Town Clerk.

No. 14.

Minutes by The Under Secretary, Department of the Attorney-General and of
Justice.

Department of the Attorney-General and of Justice, 15 December, 1910.
Case of George Ambler.

OFFICIAL action on these papers has not yet been completed.

J. L. WILLIAMS,
Under Secretary.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING PAYMENT BY THE CROWN TO PLAINTIFF IN THE CASE OF
HOLE v. WILLIAMS.)

Printed under No. 5 Report from Printing Committee, 22 December, 1910.

SCHEDULE.

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4. Decision of Attorney-General to compromise by paying amount of original verdict.....	3

No. 1.

The Crown Solicitor to The Under Secretary, Department of the Attorney-General
and of Justice.*Re* Hole v. Williams.

Crown Solicitor's Office, Sydney, 30 July, 1910.

IN this case, as will be seen from the attached newspaper cutting, the Chief Justice yesterday, at the conclusion of the judgments, entering a verdict herein for the Government, threw out the suggestion that the Government ought not to press for the costs. I take this to mean the costs of the new trial motion.

The Attorney-General might wish to have a *resumé* of the case in the event of any question arising with regard to the intention of the Government towards Mr. Hole.

From the correspondence (herewith) it will be seen that, from the commencement, every endeavour was made to bring about a compromise. It was at first supposed that there was some prospect of saving the sight of the injured eye (see report by Doyle, dated 1st October, 1909), but subsequently, and after the lad had submitted himself for examination by the Government Specialists, it was conceded that the sight of one eye was practically gone altogether.

On the 17th August last, when advising the Department generally, I wrote as follows:—"I am not quite clear that the circumstances establish the relationship of Master and Servant so as to make the Government also liable for Mr. Doyle's default. Have you any record of precedents in the Department? I cannot recall a case where the Department has been answerable for a Schoolmaster."

Mr. Inspector Smith, when he came to investigate the case, reported on the 12th August, 1909, that Mr. Hole, the father, said he had considered Mr. Doyle, the Schoolmaster, responsible, and that an offer to pay part of his (Hole's) expenses would have satisfied him originally, but that when he placed the facts before his solicitors (Makinson and Plunkett) they advised that the Department was responsible.

It happens, unfortunately, that Mr. Doyle is a man of peculiar temperament, and a settlement between himself and Hole became impossible. In addition, Doyle told the plaintiff that it was no use suing him he was in debt, and had nothing.

When the case was ripe for trial, I wrote a letter to Messrs. Makinson and Plunkett on the 1st November, 1909 (copy herewith), pointing out that there was a difficult question of law involved as regards the liability of the Crown; but I do not think the Government would wish to test the question in the circumstances of this case where it was realised that the lad was seriously injured. I added that as I felt it was a case which ought to be compromised, I would like them to name a reasonable amount to be paid as compensation, without the risk of a trial and the heaping up of costs.

I had in mind to recommend payment of £400 or £500 compensation as an act of grace. It happened that in an exactly similar case (*Young v. Williams—Fireworks—Cremorne*) as regards the injury and the sufferer, a jury had not long before awarded £400, and there was another case reported where £400 likewise had been assessed elsewhere as the damage for loss of an eye.

The nature of the reply received from Messrs. Makinson and Plunkett rendered a compromise impossible. They said they expected a verdict for £1,000, but would settle for £850 and costs. As I felt this was an unreasonable offer I did not submit it.

The defendant's costs of the trial would tax at about £110. The costs of the new trial motion would be, approximately, £60.

Although the Government were forced into this litigation, and notwithstanding that the piling up of costs on both sides has been brought about by the plaintiff and his solicitors, it may be that the Government, in view of the lad's unfortunate condition, would decide to at once express their willingness to waive both the costs of the new trial motion and the costs of the trial, unless the plaintiff's solicitors have determined to carry the matter on appeal to the High Court. I am not sure whether I ought to make them acquainted with this at once, or whether I ought to wait until I hear from them again on the subject.

The judgment delivered yesterday will be of great use to all the Departments in reasonably limiting similar claims against the Government, of which there have been too many since the decision in *Bowman and Farnell*.

It will be remembered that when this matter was before the Minister with a view to deciding whether to apply for a new trial, the opinion was expressed that the result of the trial meant carrying the liability of the Crown in these matters too far.

JNO. V. TILLET,
 Crown Solicitor.

Submitted.—J.L.W., 6/8/10. The Crown will not press for any of the costs incurred in this matter, provided the Crown is put to no further expense by the respondent.—J.G., 8/8/10. The Crown Solicitor.—H.M. (for U.S.), B.C., 9/8/10.

No. 2.

Mr. D. Ferguson to The Attorney-General and Minister of Justice.

Hole v. Williams.

Dear Mr. Attorney,

Chambers, 143 Phillip-street, 29 October, 1910.

This was a case in which a boy whose eye was injured by the negligent use of sulphuric acid in a public school recovered £430 damages against the Government. The Full Court set aside the verdict on grounds which Shand and I both agree in thinking untenable. We have strongly advised an appeal to the High Court, and the appeal has in fact been initiated.

I am inclined to think that Brissenden, who acted for the Crown, shares our views. It has occurred to me that if you came to the same conclusion, you might think it inadvisable for the Government to further contest the claim. The boy's father is very anxious to avoid the expense and worry of more litigation; and it might suit the Government very well to allow the declaration of the law by the Supreme Court to remain unchallenged.

The boy's sight has been irretrievably injured; he is badly disfigured, and since the action he has had to undergo a further operation, which the doctors say will have to be repeated from time to time. If the action were tried again now, I am sure that the damages would be much heavier.

Yours very truly,
DAVID FERGUSON.

I should be glad to give you any information about the matter, and in the meantime I have asked the solicitor instructing us not to incur any further expense in connection with the appeal. But their time is limited.

Referred to the Crown Solicitor for favour of his views in the first instance.—J. L. WILLIAMS, Under Secretary, B.C., 2/11/10. H.M. Please treat as urgent.—W.A.H., 3/11/10. Perhaps the attached report and papers contain all the information required. I told Makinson and Plunkett that the Crown would waive both the costs of the trial and of the new trial motion.—JNO. V. TILLET, Crown Solicitor, 3/11/10. The U.S., Dept. of Atty.-Genl. and of Justice. Submitted.—J.L.W., 3/11/10. To Dr. Brissenden for opinion. Ask him to expedite.—W.A.H., 3/11/10. The Crown Solicitor.—G.W. (for U.S.), B.C., 4/11/10. Opinion herewith.—JNO. V. TILLET, Crown Solicitor, B.C., 7/11/10. The U.S., Dept. of Atty.-Genl. and of Justice.

No. 3.

Opinion of Dr. Brissenden.

Hole v. Williams.

MEMORANDUM.

I AM still of the opinion that the Crown is under no legal liability in this case. Mr. Ferguson's impression to the contrary probably arose from the fact that I did say to him that I did not anticipate that the Crown would succeed in the Full Court. As far as confidence is permissible on a point which has never been previously litigated, I am confident that the High Court will come to the same conclusion as the Full Court. The fact that there is no reported case in which it has been attempted to make the employer of a schoolmaster liable for the master's negligence seems to me to cast a heavy burden of argument on the plaintiff. I am inclined indeed to doubt whether the appeal would really be proceeded with under any circumstances. If, therefore, I am asked whether the Crown ought to pay something to the plaintiff in order to avoid the risk of a reversal of the decision on appeal, I reply in the negative.

On

On the other hand, if in the opinion of the Attorney-General the case is of such a nature that the Crown ought to make a compassionate payment, it would certainly be more advantageous to all parties to make the payment before the appeal. The Crown has a decision in its favour, which will probably prevent any further actions of the same kind; and the plaintiff will be saved the costs of an appeal. But I am strongly of opinion that the full amount of the verdict should not be paid. The verdict was for a very reasonable amount, in view of the fact that the boy is quite young and appears to suffer only a minimum of inconvenience and an almost imperceptible disfigurement. If the plaintiff had not demanded twice the amount of the verdict by way of settlement the action would never have come into court. In my opinion, under the circumstances, the sum which the Crown might offer should not exceed the amount of the verdict, less solicitor and client costs of trial and new trial motion.

Chambers, 7/11/10.

E. M. BRISSENDEN.

P.S.—Any money paid should of course be invested for the benefit of the child, and not be applied to the father's costs.

Submitted.—J.L.W., 7/11/10.

No. 4.

Decision of The Attorney-General and Minister of Justice.

Hole v. Williams.

HAVING regard to all the circumstances of this case, and the legal questions involved, I think it is advisable to arrive at a compromise, if practicable.

An offer may be made, without prejudice, to settle the proceedings by the Crown paying the amount of the original verdict; each side, however, to pay its own costs.

It seems to me that by letting the case go to the High Court, the Crown takes an appreciable risk of having the decision of the Supreme Court reversed. A settlement on the lines I have indicated places the Crown in no worse position, except as regards its own costs, than when it suggested compromise to the plaintiff's solicitors. On the other hand, we have the advantage of leaving standing a verdict in favour of the Crown on a difficult question of law.

W. A. HOLMAN,
Attorney-General and Minister of Justice.

The Crown Solicitor.—G.W. (for U.S.), B.C., 12/11/10.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.
(PAPERS RESPECTING CASE OF JOHN BRIDGE—FORGERY AND UTTERING.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

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* Papers 1 and 2 above were not before the Attorney-General when dealing with the Crown Prosecutor's recommendation.

LETTER from J. A. K. Shaw, Solicitor, Scone, asking that proceedings against John Bridge and Francis Smith in connection with Forged Electoral Claims may be withdrawn.

Bridge *ats.* Police.

Smith *ats.* Police.

Sir,

Scone, 26 September, 1910.

I have been instructed by John Bridge, of Parkville, and Francis Smith, of Scone, to appear for them on summonses served on them, charging Bridge with forging certain signatures to electoral claims under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud; and Smith with uttering, disposing of, and putting off the said signatures under the same Acts.

With regard to Bridge, the facts are as follows:—On 26th July, 1910, certain blank forms were sent to him by Smith to be signed by him and his wife, son, and daughter, and daughter-in-law. Bridge is a farmer of very ordinary intelligence, with no knowledge whatever of legal forms or procedure. His wife and son cannot read or write, and he has been in the habit of writing letters and signing documents for the whole family in the honest belief that he was acting rightly in so doing. In the case in question, he signed claims for each of the above members of his family, and was not aware that he was doing wrong. He was not instructed by the police or anyone else how the forms should be signed, and naturally adopted his usual practice. He is now the subject of a criminal prosecution, under which he is liable to imprisonment for two years. The facts of the signing are not disputed, and the magistrate (if the prosecution is proceeded with) will have no option but to commit him for trial. The offence is a formal one with no criminal intent, and I am of opinion that this is a case where the Crown might in all justice withdraw the prosecution, or, if it is thought necessary to commit him for trial, to afterwards decline to file a bill. Bridge is a poor man, and the expense of defending a criminal action would work hardly on him even if (as seems likely) he were released under the First Offenders Act.

Smith has been acting as a political agent, and claims that he was not aware that the signatures were forged. The Crown would have, I think, great difficulty in proving the case against him. I would ask your favourable consideration of these cases with a view to your taking steps to withdraw the prosecutions, as I am sure that any officer of your Department would form the same opinion about the innocence of Bridge as I have done, and put before you.

With regard to Smith, I do not think that he had any guilty knowledge or any intention of misleading the Registrar or Court.

I have, &c.,

JOHN A. K. SHAW

(per A.E.H.).

The Hon. the Attorney-General, Sydney.

85096 228—A

Referred

Referred to the Crown Solicitor with reference to previous papers forwarded to him on the 7th instant, for the favour of his views.—J. L. WILLIAMS, Under Secretary, B.C., September 28, 1910.

The papers are at present with the local Police, but it seems to me that it is a case which should be brought before the Court.—JNO. V. TILLET, Crown Solicitor, B.C. 28/9/10. The U.S., Dept. of the A.G. and of Justice.

Submitted.—J.L.W., Under Secretary, 29/9/10. Case to proceed.—J.G., 29/9/10. Mr Shaw (wire), 29/9/10. Mr. Mant informed, 29/9/10. The Crown Solicitor.—J.L.W., for U.S., B.C. 30/9/10.

LETTER from Bench of Magistrates at Scone, transmitting depositions in the case *Rex v. John Bridge—forgery.*

Sir,

Petty Sessions Office, Scone, 30 September, 1910.

I have the honor, by direction of the Bench of Magistrates, to transmit herewith the depositions and the other documents in the case of John Bridge, who has been committed to take his trial at the Quarter Sessions to be held at Maitland on Tuesday, the 1st day of November, 1910.

The accused has been admitted to bail, himself in £20, and his surety, Aubrey Edward Hall, of Scone, clerk, in the sum of £20.

The witnesses bound over are Percy Fortescue, sergeant of police, of Scone; John Bridge, constable of police, of Scone; John Edward Bridge, of Parkville, labourer; James Albert Bridge, of Parkville, dairyman, for his wife, Ethel Florence Bridge; and Louis Andrew McDougall, Deputy Electoral Registrar, of Scone—all for the prosecution.

The Exhibits enclosed are: Exhibit "A," statement by Francis Smith; statement by John Bridge, Exhibit "B"; and Exhibit "C," an electoral claim by Ethel Florence Bridge.

I have, &c.,

The Under Secretary,

Department of the Attorney-General and of Justice.

L. A. McDOUGALL,

Clerk of Petty Sessions.

LETTER from Bench of Magistrates at Scone, transmitting depositions in the case *Rex v. Francis Smith—uttering a forged signature to an electoral claim.*

Sir,

Petty Sessions Office, Scone, 30 September, 1910.

I have the honor, by direction of the Bench of Magistrates, to transmit herewith the depositions and the other documents in the case of Francis Smith, who has been committed to take his trial at the Quarter Sessions to be held at Maitland on Tuesday, the 1st day of November, 1910.

The accused has been admitted to bail, himself in £20, and his surety, Aubrey Edward Hall, of Scone, clerk, in the sum of £20.

The witnesses bound over are Percy Fortescue, sergeant of police, Scone; John Bridge, constable of police, Scone; John Edward Bridge, of Parkville, labourer; James Albert Bridge, of Parkville, dairyman, for his wife, Ethel Florence Bridge; and Louis Andrew McDougall, Deputy Electoral Registrar, of Scone—all for the prosecution.

The Exhibits enclosed are: Exhibit "A," statement by Francis Smith; Exhibit "B," statement by John Bridge; and Exhibit "C," an electoral claim by Ethel Florence Bridge.

I have, &c.,

The Under Secretary,

Department of the Attorney-General and of Justice.

L. A. McDOUGALL,

Clerk of Petty Sessions.

New South Wales, }
Scone, to wit. }

Act No. 40, 1900, Section 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me that on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Parkville, in the State aforesaid, John Bridge did forge a certain signature, to wit, the signature of Ethel Florence Bridge, to an electoral claim purporting to be made by the said Ethel Florence Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Scone, in the said State, on the }
day first above written, before me, }

PERCY FORTESCUE.

L. A. McDOUGALL, Justice of the Peace.

To John Bridge, of Parkville, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on the or about the twenty-sixth day of July, 1910, at Parkville, in the State aforesaid, forge a certain signature, to wit, the signature Ethel Florence Bridge, to an electoral claim purporting to be made by the said Ethel Florence Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud. These are therefore to command you, in His Majesty's name, to be and appear, on Friday, the 23rd day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord, one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL, a Justice of the Peace.

New

New South Wales, } Act No. 40, 1900, Section 252.
Scone, to wit. }

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me that on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State aforesaid, Francis Smith did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Ethel Florence Bridge, to an electoral claim purporting to be made by the said Ethel Florence Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the }
day first above written, before me, }

L. A. McDOUGALL, Justice of the Peace.

To Francis Smith, of Scone, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did on or about the twenty-sixth day of July, 1910, at Scone, in the State aforesaid offer, utter, dispose of, and put off a certain forged signature to wit the signature Ethel Florence Bridge to an electoral claim purporting to be made by the said Ethel Florence Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906. These are therefore to command you in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL, a Justice of the Peace.

New South Wales, } *Police v. Francis Smith.*
Scone, to wit. } Did offer, utter dispose of and put off a certain forged signature.

To Sarah Ann Bridge, Susan Bridge, James Albert Bridge, Ethel Florence Bridge, all of Parkville.

You and each of you are hereby commanded that, all excuses being laid aside, you and each of you be and appear in your own proper persons before the Court of Petty Sessions, at the Police Office, Scone, on Friday, the twenty-third instant, at Ten of the clock in the forenoon, and so from day to day as may be required of you, or either of you, to testify all and singular what you, or either of you, know in a certain Cause referred to in the margin hereof, now depending and undetermined, then and there to be tried. And at your peril fail not.

Given under my hand and seal, this 19th day of September, 1910.

L. A. McDOUGALL, J.P.

New South Wales, } *Police v. Francis Smith.*
Scone, to wit. } Offer, utter, dispose of, and put off a certain forged signature.
To John Edward Bridge, Parkville.

You are hereby commanded that, all excuses being laid aside, you be and appear in your own proper person before the Court of Petty Sessions, at the Police Office, Scone, on Friday, the twenty-third instant, at Ten of the clock in the forenoon, and so from day to day as may be required of you, to testify all and singular what you know in a certain Cause referred to in the margin hereof, now depending and undetermined, then and there to be tried. And at your peril fail not.

Given under my hand and seal, this 20th day of September, 1910.

L. A. McDOUGALL, J.P.

Exhibit "A."

Rex v. Bridge and Rex v. Smith.

L. A. McD., C.P.S., 30/9/10.

STATEMENT made by Francis Smith with reference to the filling up of certain Electoral Claim Forms.

Police Station, Scone, 28 August, 1910.

Francis Smith states as follows:—I am a contractor, and reside at Scone; I have been in the habit of assisting persons to get electoral claim forms filled up and delivered to the electoral registrars, and with that purpose I gave a number of blank claim forms to one John Edward Bridge, of Scone, with instructions to get them signed by certain of his relations living at Parkville, near Scone, and to get them signed in the place for the witness's signature; some days after that, John Edward Bridge gave me back the forms of claims purporting to be signed by Sarah Ann Bridge, William Bridge, John Bridge, Susan Bridge, James Arthur Bridge, and Ethel Florence Bridge; and each was signed by John Edward Bridge as witness; with the exception of the names, there was no writing on the body of the forms when I received them back from John Edward Bridge; I afterwards, in my own handwriting, at the request of John Edward Bridge, filled in the particulars of each claimant's qualification, and the blank spaces in the witness declaration form, and afterwards sent the claims to the Deputy Electoral Registrar at Scone.

FRANCIS SMITH.

Witness to signature—
PERCY FORTESCUE, Sergeant.

Exhibit

Exhibit "B."

Rex v. Bridge and Smith.

L. A. McD., C.P.S., 30/9/10.

John Bridge states:—George Kendrick, my son-in-law, brought (6) six electoral claim forms to my house some time ago, I don't know exactly when; Kendrick said, when he brought the forms, we had to sign our names to them; Sarah Ann Bridge is a daughter of mine; the form now shown to me, bearing the signature of Mary Ann Bridge, was signed at my house by John Bridge (that is myself); Sarah Ann was not present; the signature to it was signed by me; it is not Sarah Ann Bridge's signature; she asked me to sign for her; I signed the form signed John Bridge, which is my own application; I signed my wife's form for her, as my wife cannot either read or write; I did so at her request; she was not present at the time; the form now shown to me signed Ethel Florence Bridge was signed by me at the request of her husband, James Albert Bridge; he said his wife did not understand it; Ethel Florence was not present when I signed it; I could not say if the signature Ethel Florence Bridge, as written by me, resembles her handwriting; James Albert's form was fixed up the same way; John Edward Bridge was not present when all or any of the forms were signed; when I received the forms from Kendrick they were blank; I did not fill in the body of any of the forms; Kendrick took the forms from me; I don't know what he did with them; I've had no previous experience with filling in electoral claim forms; my son did tell me that his wife refused to sign her form; I don't take part in electioneering campaigns; I am not a canvasser for any candidates this forthcoming election; I was informed that Frank Smith was to complete the forms, and he only wanted our signatures.

JOHN BRIDGE,

Parkville, 26th August, 1910.

Witness to signature—

JOHN BRIDGE, Constable.

Exhibit "C."

Rex v. Bridge and Smith.

L. A. McD., C.P.S., 30/9/10.

The Parliamentary Electorates and Elections Act, 1902, and The Parliamentary Elections Act, 1906.
(Section 26.)

ELECTORAL CLAIM.

District of (a) The Upper Hunter.

Surname—Bridge.

Christian name at full length—Ethel Florence.

Sex—Female.

Place of residence—Parkville.

Occupation—Domestic duties.

I claim to have my name placed on the Electoral Roll for the above District, to vote at (b) Parkville.

1. I am a (c) natural-born subject of the King.
2. I am not under the age of twenty-one years.
3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above District for a continuous period of three months immediately prior to the date of this claim.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any District.

Dated the 26th day of July, 1910.

Usual signature—Ethel Florence Bridge.

I, J. E. Bridge, an elector enrolled for Scone Polling-place, in the Electoral District of The Upper Hunter, certify that I have seen the above-named claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

(Witness to signature of claimant)—John Edward Bridge.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 26th day of July, 1910.

J. M. BENTHORNE, Deputy Registrar.

(a) Here insert name of Electoral District. (b) Here insert name of Polling-place. (c) Here insert "natural-born" or "naturalized," as the case may be. (d) In the case of a naturalized subject, state "and have resided therein for one year after naturalization."

This claim may be *bona fide*, but claimant did not sign same in the presence of witnessing elector, John Edward Bridge. The latter says he signed as witness in claimant's absence, at request of one Francis Smith, of Scone.

The Deputy Registrar, Scone.

PERCY FORTESCUE, Scone, 8/8/10.

L. A. McD., C.P.S., 30/9/10.

*John Bridge, forgery, and Francis Smith, uttering.*Mr. W. Mant, *Solicitor for the Prosecution.*Mr. J. A. K. Shaw, *Solicitor for the Defence.*

By consent of both parties the case of forging the signature of Ethel Florence Bridge by John Bridge, and the uttering of same by Francis Smith, are heard together.

C. H. GALE, P.M.

New South Wales, }
Scone, to wit. }

Depositions of Witnesses.

THE examination of Percy Fortescue, of Scone, in the State of New South Wales, sergeant of police; John Bridge, of Scone, constable of police; John Edward Bridge, of Parkville, labourer; Ethel Florence Bridge, of Parkville, wife of James Albert Bridge; Louis Andrew McDougall, Deputy Electoral Registrar, of Scone, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State, in the presence and hearing of John Bridge, who is charged this day before me for that he, the said John Bridge, on or about the 26th day of July,

July,

July, in the year of Our Lord one thousand nine hundred and ten, at Parkville, in the said State, did forge a certain signature, to wit, the signature of Ethel Florence Bridge, to an electoral claim purporting to be made by the said Ethel Florence Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud.

New South Wales, }
Scone, to wit. }

Depositions of Witnesses.

THE examination of Percy Fortescue, of Scone, in the State of New South Wales, sergeant of police; John Bridge, of Scone, police constable; John Edward Bridge, of Parkville, labourer; Ethel Florence Bridge, of Parkville, wife of James Albert Bridge; and Louis Andrew McDougall, Deputy Electoral Registrar, of Scone, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of Francis Smith, who is charged this day before me for that he, the said Francis Smith, on or about the 26th day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Ethel Florence Bridge to an electoral claim purporting to be made by the said Ethel Florence Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.

This deponent, *Percy Fortescue*, on his oath, saith as follows:—I am a sergeant of police, and reside at Scone; I know accused, Francis Smith, he is a contractor, and resides at Scone; I saw him on the 28th August last in connection with an electoral claim of Ethel Florence Bridge; he made a statement to me, I read it over to him, and he read it and signed it; the statement produced is the one. Exhibit "A."

Cross-examined Mr. Shaw: I wrote out a statement of what he first told me, and he called and refused to sign it as it was not to his liking; I wrote out the statement produced at his dictation; defendant Smith, after signing it said, "I am not sure whether the word Upper Hunter was on it or not before I received the claims back from Bridge; he made no hesitation about making the statement; it was quite voluntary, and he was perfectly open about the whole matter. Exhibit "B."

Taken and sworn at Scone, this 30th day }
of September, 1910, before me,— }

PERCY FORTESCUE.

C. H. GALE, P.M.

This deponent, *John Bridge*, on his oath, saith as follows:—I am a constable of police, and reside at Scone; I know the accused John Bridge, he is a dairyman, dairying on the halves, and Ethel Florence Bridge is his daughter-in-law; on 26th August last, I saw him about an electoral claim; he made a statement to me; I read it over to him, he signed it; the statement produced is the one. Exhibit "A."

Cross-examined Mr. Shaw: Bridge made no hesitation about his statement; he was very straightforward in his answers and no hesitation whatever; he appeared to me to be a man under an impression that he had done no wrong.

Taken and sworn at Scone, this 30th day }
of September, 1910, before me,— }

JOHN BRIDGE.

C. H. GALE, P.M.

This deponent, *John Edward Bridge*, on his oath, saith as follows:—I am a labourer, and reside at Parkville; I am a son of the accused John Bridge; the electoral claim produced the signature John Edward Bridge thereon is mine to the claim of Ethel Florence Bridge; this claim was handed to me by Francis Smith in July last; when it was handed to me the signature Ethel Florence Bridge was not on it; there was no handwriting on it whatever; I sent it home before I signed; when I got it back it had on it Bridge, Ethel Florence Bridge; the last Bridge appears now to have been scratched out; the signature Ethel Florence Bridge was also on it; that was all that was on it; I got it back the same week; I cannot say if any more handwriting was on it; I signed my name to it, and Mr. Smith came and got it; Mr. Smith told me he was going to fill it in; I had no idea I was doing any wrong in witnessing the claim as stated; that was the last I saw of it until shown to me by the police.

Cross-examined Mr. Shaw: The claim was not filled up at my house, and I was not present when it was filled up; Ethel Florence Bridge is my sister-in-law; I told Smith that they all lived at Parkville; when he brought me the forms he said how many are there over there; I told him, and gave him their names; I think I told him there were eight altogether; I did not give him any other information at the time; he asked me if their names were on the roll; I said I think so; I did not give any information to fill in the claim; I did not say they were over 21 years of age; or natural-born; Kendrick handed me the claims back; I had signed them before I saw Smith; Smith told me where they were to sign, and where I was to sign; I did not read any of it before signing the claim; I saw the claim produced when the police brought it to me; Constable Ward brought it to me; I did not take much notice of the reading of it when read over to me; I told the constable all about the signatures; I did not know it was a matter affecting my father; I am aware my father has been in the habit of signing for members of our family who are unable to write; he has done this for years; I sent the forms away by Kendrick, and he brought them back; Kendrick's name was mentioned to me when the forms came back first; when Smith brought me the forms first I told him that Kendrick was my brother-in-law, and he was out at Parkville, and that he was a labourer.

Mr. Mant: Constable Bridge came to me and took a statement from me.

Cross-examined Mr. Shaw: Smith said, "Would they like to get on for Parkville? I said, "I'll see them"; I saw them the day after; I told Smith when he brought me the papers that I would see them; after the forms came back to me I did not give him any information to fill up the claims; no information was asked for; no one was present when Smith gave me the forms, and no one when I returned them to him.

Taken and sworn at Scone, this 30th day }
of September, 1910, before me,— }

JOHN EDWARD BRIDGE.

C. H. GALE, P.M.

This

This deponent, *Ethel Florence Bridge*, on her oath, saith as follows:—I am a married woman residing with my husband, James Albert Bridge, and reside at Parkville; the signature, Ethel Florence Bridge, to the form shown me is not in my handwriting; I did not authorise anyone to sign that document for me; my father-in-law John Bridge always did all my writings for me; I can read and write, but not much; my husband first showed me the paper; I don't know who he got it from; it had no handwriting on it when I first saw it; my husband took it away; it had no handwriting on it then; I did not see John Edward Bridge sign as a witness; I only know what my husband told me about the filling up of the claim.

Cross-examined Mr. Shaw: I knew that the form was an application to be placed on the roll so that I could vote; I have voted on the Richmond; I can write my own name; when my husband brought me the claim I said, "I don't understand it"; he said, "What will I do with it"; I said, "Do as you like"; I did not refuse to sign my name, but I said I don't understand it.

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }

E. F. BRIDGE.

C. H. GALE, P.M.

This deponent, *Louis Andrew McDougall*, on his oath, saith as follows:—I am Deputy Electoral Registrar for the Electoral District of the Upper Hunter, and reside at Scone; the electorate referred to includes Parkville Polling-place; I see a document purporting to be an electoral claim under the Parliamentary Electorates and Elections Act of 1902, and the Parliamentary Elections Act of 1906, made by one Ethel Florence Bridge; if the claim were correct, it would entitle Ethel Florence Bridge to a vote at the coming election; the claim was not received by me, in the first instance; the official duty of the police is to inquire into all claims for enrolment sent on to them for inquiry; I produce the claim referred to (*Exhibit C*).

By Mr. Shaw: No duty of inquiry is cast upon the police unless the claims are sent on by the Registrar or Deputy for inquiry.

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }

L. A. McDOUGALL.

C. H. GALE, P.M.

C. H. G.
Exhibit "C."

State of New South Wales, }
Scone, to wit. }

Statement of the Accused.

JOHN BRIDGE (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September in the year or our Lord one thousand nine hundred and ten for that he, the said defendant, on or about the 26th day of July, 1910, at Parkville, in the said State, did forge a certain signature—to wit, the signature or Ethel Florence Bridge—to an electoral claim, purporting to be made by the said Ethel Florence Bridge on or about the said 26th day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud, and the said charge being read to the said defendant, and the witnesses for the prosecution, Percy Fortescue, John Bridge, John Edward Bridge, Ethel Florence Bridge, Louis Andrew McDougall, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, }
in the said State, the day and year first above mentioned,— }

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Statement of the Accused.

FRANCIS SMITH (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature—to wit, the signature of Ethel Florence Bridge—to an electoral claim, purporting to be made by the said Ethel Florence Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and the said charge being read to the said defendant, and the witnesses for the prosecution, Percy Fortescue, John Bridge, John Edward Bridge, Ethel Florence Bridge, and Louis Andrew McDougall, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial; notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, }
in the said State, the day and year first above mentioned,— }

C. H. GALE, P.M.

New

New South Wales, }
Scone, to wit. }

Rex v. John Bridge.

Offence:—Forge a signature to an electoral claim.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the 1st day of November, 1910. Bail allowed the accused in £20, and one surety in £20.

Dated at the Police Office, Scone, in the said State, }
this 30th day of September, A.D. 1910. }

C. H. GALE, P.M.

New South Wales, }
Scone, to wit. }

Rex v. Francis Smith.

Offence:—Uttering a forged signature to an electoral claim.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the 1st day of November, 1910. Bail allowed the accused in £20, and one surety in £20.

Dated at the Police Office, Scone, in the said State, }
this 30th day of September, A.D. 1910. }

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Recognizance to give Evidence.

BE it remembered, that on the 30th day of September, in the year of our Lord one thousand nine hundred and ten, Percy Fortescue, a sergeant of the police force, stationed at Scone, in the State of New South Wales; John Bridge, of Scone, in the said State, police constable; John Edward Bridge, of Parkville, in the said State, labourer; James Albert Bridge, of Parkville, dairyman, for Ethel Florence Bridge, of Parkville, in the said State; Louis Andrew McDougall, of Scone, in the said State, Deputy Electoral Registrar, personally came before the undersigned, one of His Majesty's Justices of the Peace for the said State, and acknowledged themselves to owe Our Sovereign Lord the King the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of Our said Lord the King, His Heirs and Successors, if they, the said before-mentioned persons, shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above-mentioned, at Scone, in the said State, before me,—

C. H. GALE, P.M.

The condition of the within-written recognizance is such, that whereas one John Bridge was this day charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, for that he did forge a certain signature to an electoral claim, purporting to be made by Ethel Florence Bridge. If, therefore, they, the before-mentioned persons, shall appear at the next Court of Quarter Sessions, to be holden at Maitland, in and for the State of New South Wales, on Tuesday, the 1st day of November, 1910, at Nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said John Bridge for the offence aforesaid, to the jurors who shall pass upon the trial of the said John Bridge. Then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Recognizance to give Evidence.

BE it remembered, that on the 30th day of September, in the year of our Lord one thousand nine hundred and ten, Percy Fortescue, a sergeant of police, of the police force, stationed at Scone, in the State of New South Wales; John Bridge, of Scone, in the said State, police constable; John Edward Bridge, of Parkville, in the said State, labourer; James Albert Bridge, of Parkville, dairyman, for Ethel Florence Bridge, of Parkville, in the said State; Louis Andrew McDougall, of Scone, in the said State, Deputy Electoral Registrar, personally came before the undersigned, one of His Majesty's Justices of the Peace for the said State, and acknowledged themselves to owe Our Sovereign Lord the King the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of Our said Lord the King, His Heirs and Successors, if they the said before-mentioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Scone, in the said State, before me,—

C. H. GALE, P.M.

The conditions of the within-written recognizance is such, that whereas one Francis Smith was this day charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, for that he did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature of Ethel Florence Bridge, to an electoral claim: If, therefore, they the before-mentioned persons shall appear at the next Court of Quarter Sessions, to be holden at Maitland in and for the State of New South Wales, on Tuesday, the first day of November, 1910, at Nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said Francis Smith for the offence aforesaid, to the jurors who shall pass upon the trial of the said Francis Smith, then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Recognizance of Bail on Committal for Trial.

BE it remembered, that on the thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, John Bridge, of Parkville, in the State of New South Wales, farmer, Aubrey Edward Hall, of Scone, in the said State, clerk, personally came before me, the undersigned, one of His Majesty's Justices

Justices of the Peace for the said State, and severally acknowledged themselves to owe to Our Sovereign Lord the King the several sums following (that is to say): the said John Bridge the sum of twenty pounds and the said Aubrey Edward Hall the sum of twenty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of Our said Lord the King, His Heirs and Successors, if he the said John Bridge shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above-mentioned, at Scone, in the said State, before me,—

C. H. GALE, P.M.

Condition in Ordinary Cases.

The condition of the within-written recognizance is such, that whereas the said John Bridge was, on the 30th day of September, 1910, charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, with forging certain signatures (four) to electoral claims: If, therefore, the said John Bridge will appear at the next Court of Quarter Sessions to be holden at Maitland in and for the State of New South Wales, on Tuesday, the first day of November, 1910, at Nine of the clock in the forenoon, and there and then surrender himself into the custody of the keeper of the gaol there, and plead to such information as may be filed against him, for, or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Recognizance of Bail on Committal for Trial.

BE it remembered, that on the thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, Francis Smith, of Scone, in the State of New South Wales, contractor, William O'Donnell, of Scone, in the said State, farmer, personally came before me, the undersigned, one of His Majesty's Justices of the Peace for the said State, and severally acknowledged themselves to owe to Our Sovereign Lord the King the several sums following (that is to say); the said Francis Smith the sum of twenty pounds, and the said William O'Donnell the sum of twenty pounds each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of Our said Lord the King, his Heirs and Successors, if he the said Francis Smith shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Scone, in the said State, before me,—

C. H. GALE, P.M.

Condition in Ordinary Cases.

The condition of the within-written recognizance is such, that whereas the said Francis Smith was, on the 30th day of September, 1910, charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, with uttering certain forged signatures (four) to electoral claims: If, therefore, the said Francis Smith will appear at the next Court of Quarter Sessions, to be holden at Maitland, in and for the State of New South Wales, on Tuesday, the first day of November, 1910, at Nine of the clock in the forenoon, and then and there surrender himself into the custody of the keeper of the gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

Forgery and uttering, J.G., 18/10/10.—I decline to prosecute Smith.—J.G., 18/10/10. Referred with No. 365 (agst. same accused) to A.-G.—W.F.D., 5/10/10. Submitted for reference to Attorney-General.—W.R.B., Clerk of the Peace, 5/10/10. The Under Secretary. Submitted,—J.L.W., Under Secretary, 10/10. C.P.S., Scone, Mr. Gale, P.M., 19/10/10. Depositions returned,—19/10/10. See further memo. on case 365.—W.F.D., 1/11/10.

North-eastern District, Scone Station, 13 October, 1910.

REPORT relative to antecedents of John Bridge (Forgery *re* Electoral Claims), committed for trial at Maitland Quarter Sessions, 1st November, 1910.

Sergeant Fortescue reports:—That there is no previous criminal history known with respect to the accused.

He has been a resident in this district for many years, generally employed in pastoral pursuits, bush contracts, and on shares in dairy-farms.

He has reared a large family of sons and daughters, several of whom have married and have families. Though very illiterate (some unable to read or write), they have the repute of being respectable hard-working people, and he does not associate with criminals.

PERCY FORTESCUE,

Sergeant.

P.S.—The above-named offender appeared before the Court in answer to summons, and upon committal was admitted to bail. He was never in police custody, and finger prints were not taken.—PERCY FORTESCUE, Sergt.

Forwarded for information of the Inspector-General.—JOHN J. SAUNDERS, Superintendent of Police, West Maitland, 15/10/10. The Superintendent of Police, West Maitland. Forwarded to the Clerk of the Peace. Inspector-General of Police, B.C., 17/10/1910.

New

New South Wales Police.

North-eastern District, Scone Station, 13 October, 1910.

REPORT relative to antecedents of Francis Smith; offence, uttering forged Electoral claims: committed for trial at Maitland Quarter Sessions, 1st November, 1910.

Sergeant Fortescue reports that there are no previous criminal convictions known with respect to the accused, who has resided in this district for many years. His occupation is that of a general bush contractor on roads and stations. He is well respected, and is president of the local "Labour Political League." He does not associate with criminals or suspected persons.

PERCY FORTESCUE,
Sergeant.

P.S.—The above-named offender appeared in Court in answer to summons, and upon committal he was admitted to bail. He was at no time in police custody, and his finger prints were not taken.—
P. FORTESCUE, Sergeant.

Forwarded for information of the Inspector-General.—JOHN SAUNDERS, Superintendent of Police, West Maitland, 15/10/10. The Superintendent of Police, West Maitland, to The Inspector-General of Police, Sydney.

Forwarded to the Clerk of the Peace,—THOMAS GARVIN, Inspector-General of Police, B.C., 17/9/1910 (per G.W.).

LETTER from Bench of Magistrates at Scone, transmitting depositions in the case *Rex v. John Bridge*—
Forged signature to an electoral claim (three charges).

Sir,
Petty Sessions Office, Scone, 30 September, 1910.
I have the honor, by direction of the Bench of Magistrates, to transmit herewith the depositions and the other documents in the case of John Bridge, who has been committed to take his trial at the Quarter Sessions, to be held at Maitland, on Tuesday, the first day of November, 1910.

The accused has been admitted to bail, himself in £20, and his surety, Aubrey Edward Hall, of Scone, clerk, in £20 (recognizance with depositions in case *re Ethel Florence Bridge*).

The witnesses bound over are John Bridge, constable of police, Scone; Percy Fortescue, sergeant of police, Scone; John Edward Bridge, of Parkville, labourer, for Susan Bridge of Parkville; Sarah Ann Bridge, of Parkville, spinster; Louis Andrew McDougall, Deputy Electoral Registrar, of Scone; James Albert Bridge, of Parkville, dairyman—all for the prosecution.

The Exhibits enclosed are Exhibits "D," "E," and "F," Electoral Claims.

I have, &c.

L. A. McDOUGALL,
Clerk of Petty Sessions.

The Under Secretary, Department of the Attorney-General and of Justice.

LETTER from Bench of Magistrates at Scone, transmitting depositions in the case *Rex v. Francis Smith*—
Utter a forged signature to an electoral claim (three charges).

Sir,
Petty Sessions Office, Scone, 30 September, 1910.
I have the honor, by direction of the Bench of Magistrates, to transmit herewith the depositions, and the other documents in the case of Francis Smith, who has been committed to take his trial at the Quarter Sessions, to be held at Maitland, on Tuesday the first day of November, 1910.

The accused has been admitted to bail, himself in £20 and his surety William O'Donnell of Scone, farmer, in £20. (Recognizance with depositions in case *re Ethel Florence Bridge*.)

The witnesses bound over are John Bridge, constable of police, of Scone; Percy Fortescue, sergeant of police, of Scone; John Edward Bridge, of Parkville, labourer, for Susan Bridge, of Parkville; Sarah Ann Bridge, of Parkville, spinster; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar; and James Albert Bridge, of Parkville, dairyman—all for prosecution.

The Exhibits enclosed are Exhibits "D," "E," and "F," electoral claims.

I have, &c.,

L. A. McDOUGALL,
Clerk of Petty Sessions.

The Under Secretary, Department of the Attorney-General and of Justice.

New South Wales, }
Scone, to wit. } Act No. 40, 1900, sec. 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices, duly assigned to keep the peace of Our Lord the King, in and for the State of New South Wales, and informs me, that on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Parkville, in the State aforesaid, John Bridge did forge a certain signature, to wit, the signature Sarah Ann Bridge, to an electoral claim, purporting to be made by the said Sarah Ann Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue, prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the day }
first above written, before me, }
L. A. McDOUGALL, Justice of the Peace.

To John Bridge, of Parkville, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on or about the twenty-sixth day of July, 1910, at Parkville, in the State aforesaid, forge a certain signature, to wit, the signature Sarah Ann Bridge to an electoral claim purporting to be made by the said Sarah Ann Bridge on or about the twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud. These are therefore to command you, in His Majesty's name, to be and appear, on Friday the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

New South Wales, }
Scone, to wit. }

Act No. 40, 1900, Sec. 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me, that on or about the twenty-sixth day of July in the year of our Lord one thousand nine hundred and ten, at Parkville, in the State aforesaid, John Bridge did forge a certain signature, to wit, the signature of James Albert Bridge, to an electoral claim purporting to be made by the said James Albert Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

Exhibited at Scone, in the said State, on the day }
first above written, before me,— }

PERCY FORTESCUE.

L. A. McDOUGALL, Justice of the Peace.

To John Bridge, of Parkville, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on or about the twenty-sixth day of July, 1910, at Parkville, in the State aforesaid, forge a certain signature, to wit, the signature James Albert Bridge, to an electoral claim purporting to be made by the said James Albert Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud; these are therefore to command you, in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

New South Wales, }
Scone, to wit. }

Police v. John Bridge.
Forgery.

To Sarah Ann Bridge, Susan Bridge, James Albert Bridge, Ethel Florence Bridge, all of Parkville. You and each of you are hereby commanded that, all excuses being laid aside, you and each of you be and appear in your own proper persons before the Court of Petty Sessions, at the Police Office, Scone, on Friday, the twenty-third instant, at Ten of the clock in the forenoon, and so from day to day as may be required of you, or either of you, to testify all and singular what you or either of you know in a certain cause referred to in the margin hereof, now depending and undetermined, then and there to be tried; and at your peril fail not.

Given under my hand and seal, this 19th day of September, 1910.

L. A. McDOUGALL, J.P.

New South Wales, }
Scone, to wit. }

Police v. John Bridge.
Forgery.

To John Edward Bridge, Parkville.

You are hereby commanded that, all excuses being laid aside, you be and appear in your own proper person before the Court of Petty Sessions, at the Police Office, Scone, on Friday, the twenty-third instant, at Ten of the clock in the forenoon, and so from day to day as may be required of you, to testify all and singular what you know in a certain cause referred to in the margin hereof, now depending and undetermined, then and there to be tried; and at your peril fail not.

Given under my hand and seal, this 19th day of September, 1910.

L. A. McDOUGALL, J.P.
New

New South Wales, }
Scone, to wit. }

Act No. 40, 1900, Sec. 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of Our Lord the King in and for the State of New South Wales, and informs me that on or about the twenty-sixth day of July in the year of our Lord one thousand nine hundred and ten at Parkville, in the State aforesaid, John Bridge did forge a certain signature, to wit, the signature of Susan Bridge, to an electoral claim purporting to be made by the said Susan Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the }
day first above written, before me,— }

L. A. McDOUGALL, Justice of the Peace.

To John Bridge, of Parkville, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on the or about the twenty-sixth day of September, 1910, at Parkville, in the State aforesaid, forge a certain signature, to wit, the signature Susan Bridge to an electoral claim purporting to be made by the said Susan Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud. These are therefore to command you, in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

New South Wales, }
Scone, to wit. }

Act No. 40, 1909, sec. 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me, that on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State aforesaid, Francis Smith did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Sarah Ann Bridge to an electoral claim, purporting to be made by the said Sarah Ann Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the }
day first above written, before me,— }

L. A. McDOUGALL, Justice of the Peace.

To Francis Smith, of Scone, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on or about the twenty-sixth day of July, 1910, at Scone, in the State aforesaid, offer, utter, dispose of, and put off a certain forged signature, to wit, the signature of Sarah Ann Bridge to an electoral claim, purporting to be made by the said Sarah Ann Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906. These are therefore to command you, in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

New South Wales, }
Scone, to wit. }

Act No. 40, 1900, sec. 252.

BE it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me, that on or about the twenty-sixth day

day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State aforesaid, Francis Smith did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature James Albert Bridge to an electoral claim, purporting to be made by the said James Albert Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the }
day first above written, before me,— }
L. A. McDOUGALL, Justice of the Peace.

To Francis Smith, of Scone, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on or about the twenty-sixth day of July, 1910, at Scone, in the State aforesaid, offer, utter, dispose of, and put off a certain forged signature, to wit, the signature James Albert Bridge to an electoral claim purporting to be made by the said James Albert Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906. These are therefore to command you, in His Majesty's name, to be and appear, on Friday, the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

New South Wales, }
Scone, to wit. } Act No. 40, 1900, Sec. 252.

Be it remembered, that on this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the State of New South Wales, Percy Fortescue, sergeant of police, of Scone, appears before me, the undersigned, one of His Majesty's Justices, duly assigned to keep the peace of our Lord the King in and for the State of New South Wales, and informs me, that on or about the twenty-sixth day of July in the year of our Lord one thousand nine hundred and ten, at Scone, in the State aforesaid, Francis Smith did offer, utter, dispose of, and put off a certain forged signature, to wit the signature Susan Bridge, to an electoral claim purporting to be made by the said Susan Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, contrary to the Act in such case made and provided; whereupon the said Percy Fortescue prays that I, the said Justice, will proceed in the premises according to law.

PERCY FORTESCUE.

Exhibited at Scone, in the said State, on the }
day first above written, before me,— }
L. A. McDOUGALL, Justice of the Peace.

To Francis Smith, of Scone, in the State of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of His Majesty's Justices of the Peace, in and for the said State of New South Wales, for that you did, on or about the twenty-sixth day of July, 1910, at Scone, in the State aforesaid, offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Susan Bridge to an electoral claim, purporting to be made by the said Susan Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906. These are therefore to command you, in His Majesty's name, to be and appear, on Friday the twenty-third day of September, 1910, at Ten of the clock in the forenoon, at the Police Office, Scone, in the said State, before such Justice or Justices of the Peace for the said State as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this nineteenth day of September, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State.

L. A. McDOUGALL,
A Justice of the Peace.

John Bridge, forgery; and *Francis Smith*, uttering.

Mr. W. Mant, *Solicitor for the prosecution.*

Mr. J. A. K. Shaw, *Solicitor for the defence.*

By consent of both parties the cases of forging the signatures of Sarah Ann Bridge, James Albert Bridge, and Susan Bridge by John Bridge, and the uttering of same by Francis Smith, are heard together.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of police, of Scone, in the State of New South Wales; Percy Fortescue, sergeant of police, of Scone; Sarah Ann Bridge, of Parkville, single woman; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar; Susan Bridge, of Parkville, married woman; James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of John Bridge, who is charged this day before me for that he the said John Bridge, on or about the

the 26th day of July, in the year of our Lord one thousand nine hundred and ten, at Parkville, in the said State, did forge a certain signature, to wit, the signature of James Albert Bridge, to an electoral claim purporting to be made by the same James Albert Bridge, on or about the said 26th day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of police, of Scone, in the State of New South Wales ; Percy Fortescue, sergeant of police, of Scone ; Sarah Ann Bridge, of Parkville, single woman ; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar ; Susan Bridge, of Parkville, married woman ; and James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of John Bridge, who is charged this day before me for that he the said John Bridge, on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Parkville, in the said State, did forge a certain signature, to wit, the signature Sarah Ann Bridge, to an electoral claim purporting to be made by the said Sarah Ann Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of police, of Scone, in the State of New South Wales ; Percy Fortescue, sergeant of police, of Scone ; Sarah Ann Bridge, of Parkville, single woman ; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar ; Susan Bridge, of Parkville, married woman ; and James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of John Bridge, who is charged this day before me for that he the said John Bridge, on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Parkville, in the said State, did forge a certain signature, to wit, the signature of Susan Bridge, to an electoral claim purporting to be made by the said Susan Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act of 1906, with intent to defraud.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of Police, of Scone, in the State of New South Wales ; Percy Fortescue, sergeant of police, of Scone ; Sarah Ann Bridge, of Parkville, single woman ; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar ; Susan Bridge, of Parkville, married woman ; and James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of Francis Smith, who is charged this day before me for that he the said Francis Smith, on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, James Albert Bridge, to an electoral claim purporting to be made by the said James Albert Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of police, of Scone, in the State of New South Wales ; Percy Fortescue, sergeant of police, Scone ; Sarah Ann Bridge, of Parkville, single woman ; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar ; Susan Bridge, of Parkville, married woman ; and James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of Francis Smith, who is charged this day before me for that he, the said Francis Smith, on or about the 26th day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Sarah Ann Bridge, to an electoral claim purporting to be made by the said Sarah Ann Bridge on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.

New South Wales, }
Scone, to wit. } Depositions of Witnesses.

THE examination of John Bridge, constable of police, of Scone, in the State of New South Wales ; Percy Fortescue, sergeant of police, of Scone ; Sarah Ann Bridge, of Parkville, single woman ; Louis Andrew McDougall, of Scone, Deputy Electoral Registrar ; Susan Bridge, of Parkville, married woman ; and James Albert Bridge, of Parkville, dairyman, in the said State, taken on oath this thirtieth day of September, in the

the year of our Lord one thousand nine hundred and ten, at the Scone Police Office, in the said State, before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, in the presence and hearing of Francis Smith, who is charged this day before me for that he, the said Francis Smith, on or about the twenty-sixth day of July, in the year of our Lord one thousand nine hundred and ten, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Susan Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.

Exhibit "B."

This deponent, *John Bridge*, on his oath, saith as follows:—I am a constable of police, and reside at Scone; I know accused, John Bridge; on the 26th August last I saw him in connection with what purported to be electoral claims by Sarah Ann Bridge, James Albert Bridge, and Susan Bridge; John Bridge made the statement produced to me; it was read over to him, and signed by him, and witnessed by myself; the statement refers to the claims now under investigation by the Court; he made the statement unhesitatingly and voluntarily.

JOHN BRIDGE.

Taken and sworn at Scone, this 30th day of }
September, before me,— }
C. H. GALE, P.M.

Exhibit "A."

This deponent, *Percy Fortescue*, on his oath, saith as follows:—I am a sergeant of police, and reside at Scone; I know the accused Francis Smith; I saw him on the 28th August last in connection with the electoral claims of Sarah Ann Bridge, James Albert Bridge, and Susan Bridge; he made the statement produced; he read it over and signed it; he made no hesitation, and was perfectly open about the whole matter.

PERCY FORTESCUE.

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }
C. H. GALE, P.M.

Exhibit "D."

This deponent, *Sarah Ann Bridge*, on her oath, saith as follows:—I am a single woman, and a daughter of John Bridge, and reside at Parkville with my father; the document produced has my signature, Sarah Ann Bridge, to it; I did not write it; I authorised my father to do all my writing during my absence from home; he did not tell me he was going to sign this document; I was absent; none of the handwriting is mine; I did not see John Edward Bridge sign the signature as witness; my father told me he had signed the paper when I reached home from Scone; I had nothing whatever to do with it.

SARAH BRIDGE.

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }
C. H. GALE, P.M.

Exhibits "D,"
"E," "F."

This deponent, *Louis Andrew McDougall*, on his oath, saith as follows:—I am a Deputy Electoral Registrar, and reside at Scone; I see the papers marked *Exhibits "D," "E," and "F"*; they are documents purporting to be electoral claims under the Parliamentary Electorates and Elections Act of 1902, and the Parliamentary Elections Act, 1906, made by Sarah Ann Bridge, James Albert Bridge, and Susan Bridge, respectively; if these claims were correct, they would entitle the persons named to vote at the forthcoming election; they were received at my office in the usual course of official business.

Mr. Shaw (for accused): No questions.

L. A. McDOUGALL.

Taken and sworn at Scone, this 20th day of }
September, 1910, before me,— }
C. H. GALE, P.M.

Exhibit "F."

This deponent *Susan Bridge*, on her oath, saith as follows:—I am a married woman, and reside with my husband, John Bridge, at Parkville; I see the document produced—I did not sign it; I cannot write nor read; my husband does all the signing for the house; I was away when he signed the document shown to me; I do not know who brought it to the house; I did not see John Edward Bridge sign it.

Exhibit "F."

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }
C. H. GALE, P.M.

her
SUSAN X BRIDGE.
mark.
Witness—P. FORTESCUE.

Exhibit "E."

This deponent, *James Albert Bridge*, on his oath, saith as follows:—I am a dairyman, and reside at Parkville; the defendant, John Bridge, is my father; I think I have seen the document shown me before; it had not all the writing in it it has now; I did not write the signature "James Albert Bridge"; I cannot write; I got my father to sign it; I saw him sign it; I cannot say on what date it was; my wife's name is Ethel Florence Bridge; I saw accused sign the name Ethel Florence Bridge the same time as he signed mine; I asked him to do it; I also saw him sign Sarah Ann Bridge's; when they were signed by him, there was none of the handwriting above the signature; I did not see John Edward Bridge sign at all; I left my wife's claim with my father at the house, and that was the last I heard of it until these proceedings.

Cross-examined by Mr. Shaw: My father does the writing in everything for myself and the rest of the family at home; I live on the adjoining farm to my father; he has done all the writing for years; it was in pursuance of our custom that I took my wife's claim and my own to him to be fixed up.

Taken and sworn at Scone, this 30th day of }
September, 1910, before me,— }
C. H. GALE, P.M.

his
JAMES ALBERT X BRIDGE.
mark.
Witness—P. FORTESCUE, Sergeant.

By

By consent of Mr. J. A. K. Shaw, Solicitor for the accused, the witness John Edward Bridge was not called, as his evidence is practically identical with that given in the case of the claim of Ethel Florence Bridge.

Police Court, Scone, 30th September, 1910.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. } Statement of the Accused.

JOHN BRIDGE (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Parkville, in the said State, did forge a certain signature, to wit, the signature Sarah Ann Bridge, to an electoral claim purporting to be made by the said Sarah Ann Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. } Statement of the Accused.

JOHN BRIDGE (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Parkville, in the said State, did forge a certain signature, to wit, the signature of James Albert Bridge, to an electoral claim purporting to be made by the said James Albert Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. } Statement of the Accused.

JOHN BRIDGE (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Parkville, in the said State, did forge a certain signature, to wit, the signature of Susan Bridge, to an electoral claim, purporting to be made by the said Susan Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906, with intent to defraud; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.
State

State of New South Wales, }
Scone, to wit. }

Statement of the Accused.

FRANCIS SMITH (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Sarah Ann Bridge, to an electoral claim, purporting to be made by the said Sarah Ann Bridge, on or about the said twenty-sixth day of July, under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Statement of the Accused.

FRANCIS SMITH (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September in the year of our Lord one thousand nine hundred and ten, for that he, the said defendant, on or about the 26th day of July, 1910, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature James Albert Bridge to an electoral claim purporting to be made by the said James Albert Bridge on or about the said twenty-sixth day of July under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.

State of New South Wales, }
Scone, to wit. }

Statement of the Accused.

FRANCIS SMITH (hereinafter called the defendant) stands charged before the undersigned, one of His Majesty's Justices of the Peace in and for the said State, this 30th day of September, in the year of our Lord one thousand nine hundred and ten for that he, the said defendant, on or about the 26th day of July, 1910, at Scone, in the said State, did offer, utter, dispose of, and put off a certain forged signature, to wit, the signature Susan Bridge, on or about the said twenty-sixth day of July under the provisions of the Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906; and the said charge being read to the said defendant, and the witnesses for the prosecution, John Bridge, Percy Fortescue, Sarah Ann Bridge, Louis Andrew McDougall, Susan Bridge, and James Albert Bridge, being severally examined in his presence, and (he having stated that he does not desire the depositions of the said witnesses to be read to him) the said defendant is now addressed by me, the said Justice, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given against you in evidence at your trial; and you are also informed, and are to clearly understand, that you have nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat." Whereupon the said defendant saith as follows:—"I reserve my defence."

Taken before me, and read over to the said defendant at Scone, in the said State, the day and year first above mentioned.

C. H. GALE, P.M.

New

New South Wales, } *Rex v. John Bridge.*
Scone, to wit. } Offence: Forge the signature of Sarah Ann Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September, A.D. 1910.

New South Wales, } *Rex v. John Bridge.*
Scone, to wit. } Offence: Forge the signature of James Albert Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September, A.D. 1910.

New South Wales, } *Rex v. John Bridge.*
Scone, to wit. } Offence: Forge the signature of Susan Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September, A.D. 1910.

New South Wales, } *Rex v. Francis Smith.*
Scone, to wit. } Offence: Utter the forged signature of Sarah Ann Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions, to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September, A.D. 1910.

New South Wales, } *Rex v. Francis Smith.*
Scone, to wit. } Offence: Utter the forged signature of James Albert Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September, A.D. 1910.

New South Wales, } *Rex v. Francis Smith.*
Scone, to wit. } Offence: Utter the forged signature of Susan Bridge.

The accused stands committed to take his trial at the next Court of Quarter Sessions to be holden at Maitland, in the State of New South Wales, on the first day of November, 1910. Bail allowed the accused in £20, and one surety in £20.
C. H. GALE, P.M.

Dated at the Police Office, Scone, in the said State, this thirtieth day of September A.D. 1910.

State of New South Wales, }
Scone, to wit. } Recognizance to give Evidence.

BE it remembered, that on the 30th day of September, in the year of our Lord one thousand nine hundred and ten, John Bridge, a constable of the police force, stationed at Scone, in the State of New South Wales; Percy Fortescue, sergeant of police at Scone, in the said State; Sarah Ann Bridge, of Parkville, in the said State, spinster; Louis Andrew McDougall, of Scone, in the said State, Deputy Electoral Registrar; John Edward Bridge, of Parkville, in the said State, labourer; for Susan Bridge, of Parkville, James Albert Bridge, of Parkville, in the said State, dairyman, personally came before the undersigned, one of His Majesty's Justices of the Peace for the said State, and acknowledged themselves to owe our Sovereign Lord the King the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lord the King, His Heirs and Successors, if they the said before-mentioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned, at Scone, in the said State,
before me,—
C. H. GALE, P.M.

The condition of the within-written recognizance is such, that whereas one, John Bridge, was this day charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, for that he did forge the signatures of James Albert Bridge, Sarah Ann Bridge, and Susan Bridge to electoral claims (three charges): If, therefore, they the before-mentioned persons shall appear at the next Court of Quarter Sessions to be holden at Maitland in and for the State of New South Wales, on Tuesday, the first day of November, 1910, at Nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said John Bridge, for the offence aforesaid, to the jurors who shall pass upon the trial of the said John Bridge: Then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

State of New South Wales, }
 Scone, to wit. } Recognizance to give Evidence.

BE it remembered, that on the 30th day of September, in the year of our Lord one thousand nine hundred and ten, John Bridge, a constable of the police force, stationed at Scone, in the State of New South Wales; Percy Fortescue, sergeant of police, at Scone, in the said State; Sarah Ann Bridge, of Parkville, in the said State, spinster; Louis Andrew McDougall, of Scone, in the said State, Deputy Electoral Registrar; John Edward Bridge, of Parkville, in the said State, labourer, for Susan Bridge, of Parkville; James Albert Bridge, of Parkville, in the said State, dairyman, personally came before the undersigned, one of His Majesty's Justices of the Peace for the said State, and acknowledged themselves to owe our Sovereign Lord the King the sum of forty pounds each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lord the King, his Heirs and Successors, if they the said before-mentioned persons shall fail in the condition indorsed.

Taken and acknowledged, the day and year first above-mentioned, at Scone, in the said State,
 before me,— C. H. GALE, P.M.

The condition of the within-written recognizance is such, that whereas one Francis Smith was this day charged before C. H. Gale, Esquire, Police Magistrate, one of His Majesty's Justices of the Peace for the said State, for that he did offer, utter, dispose of, and put off certain forged signatures to electoral claims (three charges) to wit the signatures of James Albert Bridge, Sarah Ann Bridge, and Susan Bridge: If, therefore, they the before-mentioned persons shall appear at the next Court of Quarter Sessions, to be holden at Maitland, in and for the State of New South Wales, on Tuesday, the first day of November, 1910, at Nine of the clock in the forenoon, and then and there give such evidence as they know, upon an information to be then and there preferred against the said Francis Smith for the offence aforesaid, to the jurors who shall pass upon the trial of the said Francis Smith. Then the said recognizance to be void, or else to stand in full force and virtue.

C. H. GALE, P.M.

Exhibit "D."

Rex v. Bridge and Smith.

L. A. McD., C.P.S., 30/9/10.

The Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act 1906 (Section 26).

ELECTORAL CLAIM.

District of (a) The Upper Hunter.

Surname—Bridge.

Christian name at full length—Sarah Ann.

Sex—Female.

Place of residence—Parkville.

Occupation—domestic duties.

I claim to have my name placed on the Electoral Roll for the above District, to vote at (b) Parkville.

1. I am a (c) natural-born subject of the King.

2. I am not under the age of twenty-one years.

3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above District for a continuous period of three months immediately prior to the date of this claim.

4. My name is not, to the best of my knowledge, on the Electoral Roll for any District.

Dated the 26th day of July, 1910.

Usual signature—Sarah Ann Bridge.

I, J. E. Bridge, an Elector enrolled for Scone Polling-place, in the Electoral District of The Upper Hunter, certify that I have seen the above-named claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

(Witness to signature of claimant)—John Edward Bridge.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 26th day of July, 1910.

J. M. BONTHORNE, Deputy Registrar.

(a) Here insert name of Electoral District, or "naturalized," as the case may be, for one year after naturalization.

(b) Here insert name of Polling-place. (c) Here insert "natural-born," (d) In the case of a naturalized subject, state "and have resided therein"

The claim may be *bonâ fide*; but it was not signed in presence of John Edward Bridge, who says he signed as witness at request of one Francis Smith, of Scone.—PERCY FORTESCUE, Sergeant. Scone, 8th August, 1910.

The Deputy-Registrar, Scone.

Exhibit

Exhibit "E."*Rex v. Bridge and Smith.*

L. A. McD., C.P.S., 30/9/10.

The Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.
(Section 26.)**ELECTORAL CLAIM.**

District of (a) The Upper Hunter.
Surname—Bridge.
Christian name at full length—James Albert.
Sex—Male.
Place of residence—Parkville.
Occupation—Dairyman.

I claim to have my name placed on the Electoral Roll for the above district, to vote at (b) Parkville.

1. I am a (c) natural-born subject of the King.
2. I am not under the age of twenty-one years.
3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above district for a continuous period of three months immediately prior to the date of this claim.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any district.

Dated the 26th day of July, 1910.

Usual signature—James Albert Bridge.

I, J. E. Bridge, an elector enrolled for Scone Polling-place, in the Electoral District of The Upper Hunter, certify that I have seen the above-named claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

(Witness to signature of claimant)—John Edward Bridge.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 26th day of July, 1910.

J. M. BONTHORNE, Deputy Registrar.

(a) Here insert name of Electoral District. (b) Here insert name of Polling-place. (c) Here insert "natural-born," or "naturalized," as the case may be. (d) In the case of a naturalized subject, state "and have resided therein for one year after naturalization."

This claim may be *bond fide*, but claimant did not sign same in the presence of the elector witness, John Edward Bridge, who states he signed as witness at request of one Francis Smith, of Scone.
The Deputy Registrar, Scone. P. FORTESCUE, Sergt., Scone, 8/8/10.

Exhibit "F."*Rex v. Bridge and Smith.*

L. A. McD., C.P.S., 30/9/10.

The Parliamentary Electorates and Elections Act, 1902, and the Parliamentary Elections Act, 1906.
(Section 26.)**ELECTORAL CLAIM.**

District of (a) The Upper Hunter.
Surname—Bridge.
Christian name at full length—Susan.
Sex—Female.
Place of residence—Parkville.
Occupation—Domestic duties.

I claim to have my name placed on the Electoral Roll for the above district, to vote at (b) Parkville.

1. I am a (c) natural-born subject of the King.
2. I am not under the age of twenty-one years.
3. I am an inhabitant of New South Wales, and have resided (or, had my principal place of abode) therein for a continuous period of one year (d) and have resided (or, had my principal place of abode) in the above district for a continuous period of three months immediately prior to the date of this claim.
4. My name is not, to the best of my knowledge, on the Electoral Roll for any district.

Dated the 26th day of July, 1910.

Usual signature—Susan Bridge.

I, J. E. Bridge, an elector enrolled for Scone Polling-place, in the Electoral District of The Upper Hunter, certify that I have seen the above-named claimant sign the above claim, and that I am satisfied that the statements therein contained are true.

(Witness to signature of claimant)—John Edward Bridge.

NOTE.—Any person who witnesses the signature of the claimant without satisfying himself by inquiry from the claimant that the statements contained in the claim are true, is liable to a penalty not exceeding Five Pounds.

Received the 26th day of July, 1910.

J. M. BONTHORNE, Deputy Registrar.

(a) Here insert name of Electoral District. (b) Here insert name of Polling-place. (c) Here insert "natural-born," or "naturalized," as the case may be. (d) In the case of a naturalized subject, state "and have resided therein for one year after naturalization."

This

This claim may be *bona fide*, but it was not signed in presence of the witnessing elector, John Edward Bridge, who states he signed as witness to claim in absence of claimant at request of one Francis Smith, of Scone.

P. FORTESCUE, Sergt., Scone, 8/8/10.

The Deputy Registrar, Scone.

Memo for A.-G.—No doubt there was great irregularity in filling up these forms, but to my mind the evidence is scarcely strong enough to justify such a serious charge as forgery and uttering against John Bridge. Was there any intent to defraud or deceive? As to Smith, the evidence does not show that he knew the signatures were forgeries. I refer these cases for the A.-G.'s opinion as to whether or not either or both of the accused should be put on trial.—A.F.D., 5/10/10.

Submitted for reference to the Attorney-General.—W.R.B., Clerk of the Peace, 5/10/10. The Under Secretary—Forgery and uttering. Submitted,—J.L.W., Under Secretary, 10/10. I decline to prosecute Smith.—J.G., 18/10/10. C.P.S., Scone, Mr. Gale, P.M., 19/10/10. Depositions returned, 19/10/10. Sergt. Fortescue's attendance dispensed with, 24/11/10.

Further memo. for A.-G.—I am still of the opinion expressed in my former memo. The accused bears a very high character, according to the evidence and to the statement made to me by Constable Bridge, for honesty and integrity and well-living; and I am satisfied no jury could convict of this crime on the evidence, or honestly believe that there was any intent to defraud. Under these circumstances, I arraigned accused on the charges, to which he pleaded not guilty; and I then applied for accused to be bound over in his own recognizance to appear, if called upon, at next Quarter Sessions, Maitland, or such other Court, &c., &c. This was done, and accused discharged. I advise that accused be not called upon for trial.—W.F.D., 1/11/10.

Submitted for reference to the Attorney-General,—W.R.B., Clerk of the Peace, 4/11/10. The Under Secretary. Submitted.—J.L.W., Under Secretary, 4/11/10. I decline to prosecute.—W.A.H., 7/11/10. Officer-in-charge of police, Scone, Deputy Clerk of the Peace, East Maitland, 8/11/10. Depositions returned, 8/11/10.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PAPERS RESPECTING THE JURY PANEL IN THE CASE OF REX v. BOWLING AND OTHERS.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

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No. 1.

The Clerk of the Peace to The Under Secretary, Department of Justice.

MEMO.

Office of the Clerk of the Peace, Sydney, 4 November, 1910.

By direction of one of the Ministers, *i.e.*, either the Attorney-General or the Minister for Justice, which one I do not know, a list of the jurors summoned for the trial of Bowling and others, conspiracy, was obtained from the Sheriff and handed to me by the Under Secretary. I personally took this list to the Inspector-General of Police, and asked that information might be supplied to the Crown as to the probability of any of the jurors named being unduly biassed, one way or the other, if empanelled at the trial. No inquiry, either directly or indirectly, was made as to the political beliefs of the jurors concerned. Information was furnished as to about ten or a dozen of the ninety-six jurors summoned, and, as far as my recollection now serves, it was something of this nature: One was connected with an employers' association, another was an official of a trades union, a third was a publican largely dependent for his support upon members of trade unions, and so on with respect to the others. These names were given by me to the Crown Prosecutor, who had no knowledge, directly or indirectly, as to why the jurors should be asked to stand aside.

As stated in my memorandum of 10th October last, it is, of course, a common practice for the Crown to obtain reports as to the impartiality of jurors, and were this practice not adopted, there would be often gross miscarriages of justice. At the Bowling trial the accused challenged thirty-nine jurors, and the Crown stood aside eight.

About three months after the trial, after consultation with the Under Secretary, I destroyed the confidential papers supplied to me by the police, as the Under Secretary agreed with me in thinking that no useful purpose would be served by their being preserved. It is hardly necessary for me to add that at that time there was not the faintest suggestion, from any source, that the papers would require to be produced, and it is usual in cases where the police have supplied information as to jurors not to preserve such information among the papers in the case.

W. R. BEAVER,
Clerk of the Peace.

The Under Secretary,
Department of the Attorney-General and of Justice.

Being urgently required, the above report was sent direct, by the Clerk of the Peace, to the Attorney-General.—J.L.W.

No. 2.

Questions submitted by *Sun* reporter, and replies thereto.

Jurors—Bowling's trial.

1. Who destroyed the papers?
2. Is there any entry in the Record Book to show when they were received in the Department, and how disposed of?
3. Is it customary to destroy confidential reports in the Justice Department?
4. If so, what is the Regulation procedure prior to their destruction?
5. Are any other instances known in which similar (or other) papers have been destroyed?
6. Do the police keep copies of reports furnished to the Justice or other Departments or persons?
7. Have the police now—or did they have—copies of the papers in question?
8. Has the Minister taken any action to mark his disapproval of the action of the officer in destroying these papers?

Urgent.

Dear Mr. Garvin,
Will you kindly answer Questions 6 and 7.

Yours, &c.,
J. L. WILLIAMS,
8/11/10.

Thos. Garvin, Esq.

6 and 7. Yes, but in this instance they were confidential papers and were not copied, but taken by Superintendent Sherwood and delivered to the Clerk of the Peace personally at his office.

J. L. Williams, Esq.,
Under Secretary, Department of Attorney-General and of Justice, 8/11/1910.

T. G.,
I.-G. Police.

Answers.

1. The Clerk of the Peace.
 2. No.
 3. It is customary in the office of the Clerk of the Peace.
 4. No regulation.
 5. It is the usual practice.
 - 6 and 7. See above.
 8. No (papers herewith).
- To press, 8/11, 10.

J.L.W., 8/11/10.

No. 3.

Minute by The Under Secretary, Department of Justice.

Subject :—Tearing up of confidential police particulars in Bowling's case.

Department of the Attorney-General and of Justice, Sydney, 26 November, 1910.

Submitted. As I informed the Attorney-General verbally at the time, I could not (and still cannot) call to mind the Clerk of the Peace's having spoken to me before tearing up the confidential police particulars *re* the jurors. I am, however, quite satisfied that that gentleman did so.

I understand from the Clerk of the Peace that he merely mentioned his intention to me casually when we were dealing with other matters. This would be before I entered on leave on 23rd April last, and as the matter was merely one of ordinary office routine, it probably, on that account, failed to impress itself on my memory.

The Attorney-General and Minister of Justice.

J. L. WILLIAMS,
Under Secretary of Justice.

No. 4.

Minute by The Attorney-General and Minister of Justice.

Subject :—*Rex v. Bowling and Others*, Central Criminal Court.

Department of the Attorney-General and of Justice, Sydney, 14 November, 1910.

I understand that the memoranda furnished by the police *re* members of the jury panel in the above case were destroyed, by the officer having charge of them, a few months after the trial, for the reason that they were confidential, and it was thought that there was no further use for them.

I understand, also, that such memoranda were not formal reports, and that it is usual to destroy such documents when they are no longer needed.

For the future I desire that all such papers be preserved and filed with the depositions in the cases to which they respectively relate.

This rule will apply to memoranda with regard to jurors which may be received by Crown Prosecutors in all country towns where criminal trials are held, as well as in Sydney.

W. A. HOLMAN,
27/11/10.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.
(CASE OF PRISONER MARGARET JACKSON.)

Printed under No. 4 Report from Printing Committee, 21 December, 1910.

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No. 1.

The Prothonotary to The Comptroller-General of Prisons.

The King v. Margaret Jackson.

Convicted at Central Criminal Court, Darlinghurst. (Offence—Manslaughter.)

Sir,

Supreme Court, Sydney, 14 November, 1905.

I certify that, to-day, the Court sitting in Banco, consisting of their Honors Mr. Justice Owen, Mr. Justice Cohen, and Mr. Justice Fring, after hearing counsel on behalf of the prisoner and of the Crown, have ordered that the conviction herein be reversed.

I have, &c.,
C. R. WALSH,
Prothonotary.

To be acted on.—S.McC. (for C.G.P.), 14/11/05. Acknowledged.—S.R.T., 15/11/05. Governor, Darlinghurst. Prisoner discharged.—J. McKENZIE, 15/11/05.

No.

No. 2.

Extract from the *Evening News*, 28th November, 1905.

MRS. JACKSON'S CASE.

Her release unconditional.—No chance of rearrest.

As reported in the *Evening News* yesterday, the Crown has been granted leave to appeal against the decision of the New South Wales Full Court, by which the conviction of Margaret Jackson, for the manslaughter of Gertrude Hanlon, was recently quashed.

The point involved is the admissibility of a dying deposition, which, it is contended, did not contain the whole of the words uttered by the witness; and as to whether—the objection to the deposition on this particular point not having been reserved at the trial—it could be considered with other reserved points at the appeal.

When the conviction was quashed the prisoner was released from gaol. Leave to appeal having been granted, the Attorney-General was asked this morning what Mrs. Jackson's position would be in the event of the decision of the Full Court being reversed by the High Court.

Would she be recommitted to prison, and would she in the meantime be called upon to enter into a bond for reappearance if required?

"No," said Mr. Wade, "she would never go back again. Her release is unconditional."

"The only question involved in the appeal," the Attorney-General added, "is the question of having the law on the point declared."

Seen.—J.L.W., 7/12/05.

No. 3.

J. W. Abigail, Esq., to The Crown Solicitor,

Rex v. Margaret Jackson.

Dear Sir,

97, Elizabeth-street, Sydney, 12 December, 1905.

With reference to this appeal to the High Court, I have seen my client, and she informs me that she is unable and unwilling to meet the expense of having this matter properly argued. This, no doubt, was the intention of the Attorney-General, as expressed in the State Parliament some short time back. I therefore suggest (if the intention of the Crown is to get a final decision), in order to have the matter properly argued, that counsel whom I instructed in the Full Court should be assigned for the argument in the High Court.

I shall be glad if you will kindly consider the matter, and let me have your reply at your convenience.

Yours truly,

J. W. ABIGAIL.

Submitted for the information of the Attorney-General.—JNO. V. TILLET, Crown Solicitor, B.C., 13/12/05. The Under Secretary, Department of Attorney-General and of Justice. The Under Secretary,—This appeal has been set down for hearing at the sittings of the High Court at Darlinghurst on the 26th March next.—J.W.H., 15/12/05. Submitted.—J.L.W., Under Secretary, 15/12/05. My statement in Parliament was never intended to apply to a case of this kind.—C.G.W., 16/12/05. Mr. Abigail, 18/12/05. The Crown Solicitor.—H.F.M., for Under Secretary, B.C., 18/12/05. (Please return.) Noted and returned.—JNO. V. TILLET, Crown Solicitor, B.C., 19/12/05. The Under Secretary, Department of Attorney-General and of Justice. Returned, 19/12/05. File.—H.F.M., 20/12/05.

[Enclosure.]

Rex v. Margaret Jackson.

Sir,

18 December, 1905.

Referring to your letter of the 12th instant (addressed to the Crown Solicitor), asking that counsel be assigned by the Crown to argue the appeal in the above case at the High Court, I am directed by the Attorney-General and Minister of Justice to inform you that he cannot accede to your request.

The Attorney-General desires me to add that the statement made by him in Parliament was never intended to apply to a case of this kind.

I have, &c.,

J. W. Abigail, Esq., Solicitor, 97 Elizabeth-street.

Under Secretary.

No. 4.

Duplicate Order allowing Appeal, and Newspaper Extract.

IN THE HIGH COURT OF AUSTRALIA, NEW SOUTH WALES REGISTRY, ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES.

Between the Attorney-General for the State of New South Wales, Appellant, and Margaret Jackson, Respondent.

Tuesday the twelfth day of April, in the year of Our Lord one thousand nine hundred and six.

WHEREAS, on the fourth day of September last, the abovenamed respondent, Margaret Jackson, was, at the Coroner's Court, Sydney, in the State of New South Wales, committed for trial on a charge of murder; and whereas the said respondent, Margaret Jackson, was, on the nineteenth and twentieth days of September last, indicted in the Supreme Court of New South Wales, in its criminal jurisdiction, for feloniously and maliciously murdering Sidney Gertrude Hanlon, and convicted of manslaughter, and was thereupon sentenced to six years' imprisonment with light labour in Bathurst Gaol; and whereas at the said trial certain points were reserved for the opinion of the Full Court of the State of New South Wales, and His Honor, the presiding Judge, stated and signed a special case for that purpose, in accordance with the provisions of section 470 of the Crimes Act, 1900, and subsequently, on the 27th day of October last, the

the said Full Court ordered that a copy of the notes taken by the said presiding Judge at the said trial be added to and form part of the said case; and whereas, on the tenth and fourteenth days of November last, the questions arising under the said special case, and a further question which appeared in the said special case, and which had not been reserved at the trial, were argued before the Full Court of the Supreme Court of the State of New South Wales, and the said conviction was reversed; and whereas on Monday, the twenty-seventh day of November last, the said appellant obtained special leave to appeal to this Honorable Court from the judgment of the said Supreme Court of the State of New South Wales; and whereas motion by way of appeal was made in this Honorable Court on the tenth and eleventh days of April instant, and reading the transcript transmitted by the Prothonotary of the Supreme Court of the State of New South Wales to the New South Wales Registry of this Honorable Court; and upon hearing what was alleged by Mr. Pollock, of counsel for the appellant, and by Mr. Blacket, of counsel for the respondent, this Honorable Court did reserve judgment; and the said motion coming on for judgment this day, this Honorable Court doth order that the appeal be and the same is hereby allowed, and that the said judgment of the said Supreme Court be reversed, and that the said conviction be affirmed; and this Honorable Court doth declare that the said appellant is entitled to be paid the sum of fifty pounds, paid into the Supreme Court of the State of New South Wales as security for the costs of this appeal.

By the Court,

C. R. WALSH,

District Registrar.

Received into gaol on the 21/4/06.—ARTHUR H. COLLIS, Governor, Darlinghurst Gaol.

Extract from *Daily Telegraph*, 13th April, 1906.

Thursday, 12th April. Federal High Court.

(Before Chief Justice Sir Samuel Griffith, Mr. Justice Barton, and Mr. Justice O'Connor.)

Case of Margaret Jackson.—Conviction for Manslaughter sustained.—Supreme Court judgment reversed. A JUDGMENT of considerable importance was delivered by their Honors in the case in which the Attorney-General of New South Wales appealed against the decision of the State Supreme Court in quashing the conviction of Margaret Jackson, found guilty of manslaughter, and sentenced to six years' imprisonment.

Mr. Pollock (instructed by the State Crown Solicitor, Mr. J. V. Tillett) appeared for the Attorney-General in support of the appeal; and Mr. Blacket (instructed by Mr. J. W. Abigail) for the respondent.

The Supreme Court quashed the conviction on the ground that the dying depositions of Mrs. Hanlon were wrongly admitted, inasmuch as they did not contain a record of the fact that on one occasion, when making her statement, the deceased said, "I cannot recollect," or "I cannot remember." The whole question as to the circumstances under which the crime was said to have been committed turned, in the opinion of the Full Court, upon the accuracy of the deponent's memory, and if at the time she had to confess that "she could not remember," it was an important fact that should have appeared in the depositions, and thus been before the jury.

Their Honors were unanimously of opinion that the Full Court was in error in setting aside the sentence.

The Chief Justice, in the course of his remarks, said the Court would confine itself to the question whether the deposition was inadmissible because the witness had said something which had not been recorded. That was manifestly an important question, because if the admissibility of a deposition in a preliminary charge turned upon the exact accuracy of the person who recorded it, in every case evidence might be brought that something had been left out which was considered material. That being the case, the Judge at the trial would have to determine how much had been left out, and to what extent it was material. All such questions, however, were excluded by the plain words of the statute.

Mr. Justice Barton said that Mr. Blacket's objection that the actual words used by the witness were not taken down was not an objection to the admissibility of the deposition, but as to its value. In order to support his objection he would have to show that some important words were left out as to make the deposition not a deposition at all. If it was a deposition complying with the Act, it did not matter whether it did not contain all the words used. It might be admissible notwithstanding, though the jury might think that owing to the omission of some words it was not of great weight.

Mr. Justice O'Connor said that the main point upon which their Honors of the Supreme Court decided, turned upon the construction of section 409 of the Crimes Act. There was no definition of "deposition" in the Crimes Act or the Justices Act, but it appeared to him that one would be helped very much in the construction of section 409 if they remembered what a deposition was, and the distinction between a deposition taken under section 409, and the statement on oath which was taken under section 406. The deposition taken under section 409 was one by a magistrate in the ordinary discharge of his duty under the Justices Act. The magistrate's duty in committed cases was to inquire whether or not there was a *prima facie* case, and he was charged with the duty of inquiring into all the material facts which were necessary to enable him to come to that conclusion. It was no part of his duty to make inquiries which were not material to the case, and it was not necessary for a magistrate to place upon the depositions matters irrelevant to an inquiry that a witness chose to state. It must be remembered that the hearing of these inquiries was a business proceeding; and, if it were permissible for an accused person or counsel for such to ask any questions and obtain answers, no matter how immaterial, which they thought fit to, and the magistrate was bound to put them all down in the deposition, the proceedings would be endless.

The Schedule F, upon which Mr. Blacket relied as laying down the rule that all words must be taken down, it seemed to His Honor, must be read with regard to the considerations he had pointed out. The depositions of a witness in the form given in Schedule F must be the depositions "as nearly as possible in the words he used." The obvious meaning of that was, that the magistrate had to decide whether there was a *prima facie* case for the committal of the accused upon the evidence given in answer to inquiries by the magistrate or upon oral statements made upon his own volition which had some bearing upon the matter the magistrate had to decide. Section 406 had a different bearing altogether. There the statement might be made before any charge was made at all, and without the opportunity of the person subsequently charged testing the witness at all. The whole proceeding was founded upon the necessity of obtaining a record of what the person in a dying condition might say in case of a charge being afterwards made.

made. At the time of the inquiry no question could be raised as to whether the evidence was material or not, and therefore it was that under that section the Act provided that there must be great particularity in taking down everything that was said.

The question of the admissibility of the deposition depended, in His Honor's opinion, upon the construction of section 409, reading the word "deposition" as meaning the deposition taken in the ordinary course of the magistrate conducting his business and holding a preliminary inquiry, the fact of the deposition afterwards being required to be used in the absence of the person who made it not being a matter to be held in view at the time the deposition was taken, but becoming necessary afterwards in view of the circumstances which might arise. The Judge at the trial, Mr. Acting Justice Fitzhardinge, had placed upon him, when the deposition was tendered, the duty of ascertaining whether the preliminaries stated to be requisite under section 409 had been complied with. He took evidence upon the facts, in order to form his conclusion, and he (Mr. Justice O'Connor) thought he had come to a right conclusion. He did not see how the presiding Judge could have come to any other conclusion. Mr. Blacket had admitted that the Court would not interfere with the discretion which the Judge exercised in coming to a conclusion as to these preliminaries unless his conclusion was one which he could not have arrived at on the evidence, or was one totally contrary to the evidence, to be really in a sense a misuse of his discretion. He did not think there could be any complaint that if it was open to the Judge to decide on the facts before him, he had not exercised his discretion properly.

The objection really amounted to this, that it was not open to the Judge, since it became apparent that these words were omitted, to come to a conclusion. That involved a very broad proposition, that unless a deposition was taken in such a way that every word was taken down which was said, the deposition was not admissible. Mr. Blacket, seeing that on that general form the proposition was not maintainable, sought to restrict it by saying that every material word should be taken down. Who was to judge of the materiality? The proceeding was one to ascertain whether the accused ought to be committed, and the proper person to decide upon the materiality of the evidence was surely the magistrate. Otherwise it would be open to any person to altogether exclude the application of the section by giving evidence that some answer was not taken down, which, although not so appearing to anybody at the time of the inquiry, might be afterwards held to be material for some reason or another, the deposition being vitiated on this ground. It seemed to him that the question of the compliance with section 409 was the only question to be decided, and, having been properly decided by the presiding Judge, the conviction ought to have been upheld.

The judgment of the Supreme Court was accordingly reversed, and the conviction confirmed.

No. 5.

Senior-Constable Jordan to Sub-Inspector Sobyé.

Re instructions received from Superintendent respecting Margaret Jackson.

Police Station, Randwick, 16 April, 1906.

SENIOR-CONSTABLE JORDAN reports that, in accordance with instructions received from his Superintendent on the 12th instant, he, in conjunction with Senior-Sergeant Mathews, of Newtown, has been keeping Jackson under surveillance. She still resides at No. 5 Terry-street, St. Peters, and, as far as can be ascertained, has no intention of leaving there; should she do so, there is little doubt but that the Senior-Sergeant will at once be informed.

A. JORDAN,

Senior-Constable.

Urgent. Forwarded to the Superintendent.—N. SOBYÉ, Sub-Inspector, 16/4/06. N. LARKINS, Esq., Superintendent. Forwarded to the Inspector-General of Police.—N. LARKINS, Superintendent, 17/4/06.

No. 6.

Memorandum from the Crown Solicitor to The Under-Secretary, Department of the Attorney-General and of Justice.

Attorney-General *v.* Margaret Jackson.

Crown Solicitor's Office, Sydney, 17 April, 1906.

IN this case, as you are aware, the abovenamed Margaret Jackson was, on the 19th September last, at the Central Criminal Court, before Mr. Acting Justice Fitzhardinge, arraigned on a charge of maliciously murdering Sidney Gertrude Hanlon, when she was found guilty of manslaughter, and sentenced to six years imprisonment with light labour in Bathurst Gaol.

At the request of the advocate of the said Margaret Jackson, certain points as to the admissibility of the dying deposition of the said Sidney Gertrude Hanlon were reserved under section 470 of the Crimes Act, 1900, by the presiding Judge for the determination of the Supreme Court.

On the 14th November last, after hearing argument on the points reserved, the Supreme Court held that the said deposition was wrongly admitted in evidence at the trial, and ordered that the conviction be reversed.

Against this order special leave to appeal to the High Court was obtained; and the appeal coming on for hearing, the High Court, on the 12th instant, allowed the appeal, and ordered the judgment of the Supreme Court to be reversed and the conviction affirmed.

As this is a matter of considerable importance, would you be so good as to obtain the directions of the Hon. the Attorney-General as to whether I should take the necessary steps to take out the order of the High Court, and have it filed of record in the Supreme Court, in order that the sentence passed on the said Margaret Jackson in the first instance might be given effect to.

Attached hereto, for the perusal of the Hon. the Attorney-General, are the judgments of their Honors the Justices of the High Court on the appeal herein.

JNO. V. TILLET,

Crown Solicitor.

Submitted.—G.W. (for Under Secretary). As the High Court have definitely stated that the conviction is confirmed, steps should be taken at once to enforce the sentence.—C.G.W., 17/4/06. The Crown Solicitor.—G.W. (for Under Secretary), B.C., 17/4/06.

[Enclosure.]

[Enclosure.]

Rex v. Jackson.—High Court Judgment.

THE Chief Justice (Sir Samuel Griffith): This is an appeal from the decision of the Supreme Court of New South Wales, quashing a conviction for manslaughter upon a special case stated by the Judge who presided at the trial. The ground for quashing the conviction was that the deposition taken of the deceased person was wrongly admitted at the trial. It appeared that the prisoner, having been formally charged at the Randwick Police Station, was taken to the Coast Hospital, where the alleged victim of her conduct was lying. The case states she was again formally charged by the magistrate, and in the prisoner's presence the witness was sworn and examined by Mr. Murphy. At the trial preliminary evidence was given to show that the deposition was admissible under the Statute, but a doctor who was present at the time said that, after he declared the witness was perfectly sane and sensible, certain questions were suggested to the magistrate. The prisoner complained, and said it was not justice to her. According to the doctor, the patient said "she could not recollect" on one or two occasions. The advocate for the prisoner asked the judge to reserve two points of law for the consideration of the Full Court. (*Reads points.*) The first objection, then, was that the statement was wrongly admitted, on the ground that section 409 of the Crimes Act did not apply to persons dangerously ill, and that the statement was not in the prescribed form of section 406. The second really was, that it was wrongly admitted under section 409. The learned Judge, after sifting out the evidence, said, "Although I have taken a verbatim note of the points, the question is, Was I right in admitting the statement?" Before the Supreme Court it was objected that the only ground which could be raised by the learned Judge were those expressly stated by the advocate for the prisoner, but the Court was of opinion that it was a point for them to consider whether, under all the circumstances, the Judge was right in admitting the deposition. Their Honors were of opinion that it was wrongly admitted, on the ground that the medical evidence was, that on one or two occasions the witness said she could not recollect something, and that fact should have been recorded in the deposition; and, as it was not, the deposition was inadmissible. That involves the important question as to what is sufficient to prevent a deposition being used. It is a matter which affects criminal administration generally, and we gave leave to appeal. At the appeal Mr. Blackett raised one or two others. Possibly it will be simpler if I refer to section 409 of the Crimes Act, on which the conviction rests. (*Reads section.*) The first objection I referred to, taken by Mr. Blackett, was as to whether it appeared that the accused had full opportunity of cross-examining the witness. It is a rule that when the admissibility of evidence depends upon a question of fact, that fact must be determined by the learned Judge. His Honor says that the prisoner had full opportunity of exercising that right, and, in fact, did ask some questions. I am of opinion that statement by the learned Judge precludes this question being raised. Then it is said this was not, in substance, a preliminary investigation, because the accused had been charged at a police court, and then brought into a room where the witness was lying ill. That was an ordinary incident in the administration of criminal justice. The magistrate said the prisoner was present, and was charged by him, and that he read over the charge to her; so that, in that respect, all was perfectly regular. The prisoner was present, and was informed that the witness was about to give evidence. Therefore, we have to deal with the objection the Supreme Court dealt with, viz., that the witness said something which was not recorded in the deposition. It is manifest that is a very important question, because, if the admissibility of a deposition taken on a preliminary charge in a criminal proceeding depends upon the exact accuracy of the person recording the evidence of a witness, the evidence of any bystander at the time might be called that something had been left out. That something might be true or false—material or immaterial. I suppose, then, the Judge would have to determine what was left out, and how far it was material. That would be altogether a new kind of investigation, and, in my opinion, it is excluded by the plain words of the statute. The Legislature must be taken to have regard to the fact that depositions are never absolutely verbally correct. It has prescribed conditions for ensuring their substantial accuracy by providing that the depositions shall be read over to witnesses in the presence of the accused, that they should be signed by the witnesses, although, in the opinion of a very learned Judge, Mr. Justice Wills, it was not necessary they should be signed in certain circumstances to render them admissible if they are sought to be put in evidence in a case which arises after the death of a deponent.

His Honor then cited *Rex v. d'Videl*, 9 Cox 4, page 243. He continued: In that case a deponent had been examined and cross-examined, but the magistrate who superintended the taking of the deposition did not consider the cross-examination to be material. The clerk who took down the evidence said he took down everything the magistrate considered material, but nothing of the cross-examination.

His Honor, after reading portion of the judgment of Mr. Justice Earl, said: "In my opinion that is a correct statement of the law, and it lays down the only conditions a Judge must consider when determining the admissibility of a deposition. If the admissibility of a deposition is to be questioned because a witness said something else, then this position would arise: the depositions must be taken by a shorthand writer, and one of such competence as to be able to omit absolutely nothing at all, whether in question or answer. I do not know whether there are any such shorthand writers, but it is doubtful whether such men are available for the administration of criminal law. There is no halfway house between the two contentions. That opinion of Mr. Justice Earl was followed by Mr. Justice Blackburn. For those reasons, I think this deposition was properly admitted by the learned Judge, and the conviction should have been upheld."

Mr. Justice Barton: I am of the same opinion. The important objection was raised under section 409 of the Crimes Act. It seems to me that the position of the accused cannot be maintained unless it can be shown that this document is not a deposition within the meaning of that section. If it is a deposition and the preliminary proof given, having regard to the section, it must be admissible. Then, is it a deposition? It is argued it is not a deposition, because, in answer to one or two questions, the witness said she did not recollect, and because of the absence of these words the document could not be admitted. That is a contention of great difficulty to maintain. The real question involved in the objection went to the value of the evidence. If it appeared in evidence that the witness could not recollect one or two circumstances, it might be argued by counsel for the accused that the deposition was not worth the paper it was written on. That was for the jury to decide when the document was properly before them. It seems to me that the objection, founded on the fact that she did not recollect, is only an argument as to the value of the evidence, and not as to its admissibility; otherwise we would have to hold it was not a deposition at all.

Mr.

Mr. Justice O'Connor : I am of the same opinion. Although the point decided by the Judges of the Supreme Court was whether or not this deposition became inadmissible on proof that a certain statement made by the witness was not taken down on the deposition. Mr. Blackett relied upon two other grounds in support of his objection. The first ground was that the fact of the illness of the witness made it necessary to take proceedings under section 406 of the Crimes Act, and as the proceedings had not been taken under that section the deposition was not admissible. The answer to that is, that the deposition was duly taken in accordance with section 409. The fact that steps might have been taken under section 406 was not an argument against the admissibility of a document taken under section 409. On the direct authority of Mr. Justice Wills, in *Rex v. Holloway*, 65 J.P. Cases, 712, that objection cannot be sustained. The other objection was that, in order to make this deposition admissible under section 409, it was necessary there should be a formal proceeding resulting in the committal, and it was contended that as the deposition was not taken by the magistrate who committed, it could not be given in evidence. Mr. Justice Blackburn overruled that. The main and important point, however, upon which the Supreme Court decided, entirely depended upon the construction of section 409 of the Crimes Act. There is no definition of "deposition" in the Crimes Act, or in the Justices Act, and it appears to me one would be helped considerably in the construction of section 409 if he remembered what a deposition is, and kept in mind the difference between a deposition taken under section 409 and a statement on oath taken under section 406. A deposition taken under section 409 is a deposition taken by a magistrate in the ordinary exercise of his duty under the Justices Act. In committal cases, the magistrate is charged with the duty of inquiring into all the material facts to see whether there is a *prima facie* case against an accused person; but it is not his duty to inquire into all sorts of facts which are immaterial to the case, nor is it necessary for him to place upon the depositions matters irrelevant to the inquiry. It must be remembered that the hearing of these inquiries is a business proceeding, and if it were competent for any accused person or his counsel to ask any kind of question and obtain answers about matters however irrelevant, and the magistrate were compelled to put them all down in the deposition, the proceedings would be endless. Schedule F, upon which Mr. Blackett relies as providing that all words spoken must be taken down, it seems to me, must be read with regard to the considerations I have pointed out. The depositions of a witness in the form given in Schedule F1 "must be the depositions as nearly as possible in the words he used." The obvious meaning of that is that the magistrate has to decide whether there is a *prima facie* case against an accused upon the evidence given in answer to inquiries by the magistrate or upon oral statements made by the accused of his own volition, which have some bearing upon the matter into which the magistrate has to inquire. Section 406 has a different construction altogether. There the statement may be made before any charge is laid at all, and without the person subsequently charged having any opportunity of testing the witness by cross-examination. The whole proceeding is founded upon the necessity of obtaining a record of what a dying person might say in case a charge is afterwards made. As at the time of the inquiry no question could be raised as to whether the statements made are material or not, that section of the Act requires that there must be great particularity in taking down everything that has been said. In my opinion, the question of the admissibility of the deposition depends upon the construction of section 409, reading the word "deposition" as a deposition taken in the ordinary course before a magistrate conducting his business and holding a preliminary inquiry, the fact of the deposition afterwards being required for use in the absence of the person who made it not being a matter to be taken into view at the time the deposition was made, but becoming necessary afterwards in consequence of the circumstances which might arise. The Judge at the trial, when the deposition was tendered, had cast upon him the duty of ascertaining when the preliminary requisites stated in section 409 had been complied with; He took evidence as to the facts, and I think he came to the right conclusion; in fact, I do not see how he could have come to any other conclusion. Mr. Blackett admitted that the Court would not interfere with the exercise of discretion used by the Judge in coming to that conclusion unless it was one which he could not have arrived at on the evidence, or was so contrary to the evidence as to amount in a sense to a misuse of his discretion. I do not think it is open to complaint that, if it was open to the Judge to decide on the facts before him, he had not exercised his discretion properly. The objection really amounts to this, that it was not open to the Judge to come to a conclusion since it was apparent that these words were omitted from the deposition. That involves the very broad proposition that unless every word is taken down which is said, a deposition is not admissible. Mr. Blackett, seeing that in that general the proposition is not maintainable, sought to restrict it by saying every material word should be taken down. But who was to judge of the materiality? The proceeding was one to ascertain whether the accused ought to be committed, and surely it was for the magistrate to decide what was material to that? If, upon such evidence, a deposition became inadmissible, it seems to me it would be in the power of every person who had been in the court to exclude the application of the section by giving evidence that some answer was not taken down, something which, though not appearing so to anybody at the time of the inquiry, had become material afterwards for some reason or other, and on that ground the deposition must be held to be admissible. I agree with Mr. Justice Earl's decision in the case cited, and it seems to me that the question of compliance with section 409 is the only one to be decided; and believing it was properly decided by Mr. Acting-Justice Fitzhardinge at the trial, I am of opinion that the conviction should have been upheld.

The judgment of the Supreme Court was therefore reversed, and the conviction confirmed.

Forwarded for the Minister's information.—THOS. GARVIN, I.-G. Police, 17/4/06. The Under Secretary, Department of Attorney-General and of Justice. Submitted for Minister's information.—G.W. (for U.S.), 19/4/06. Action should be taken to enforce the sentence without delay.—C.G.W., 19/4/06. The Crown Solicitor.—G.W. (for U.S.), B.C., 19/4/06.

(Crim. 06/208.) With reference to the Hon. the Attorney-General's minute hereon, I forward herewith the Order of the High Court herein, and have to request that you will give the matter your attention.—JNO. V. TILLET, Crown Solicitor., B.C., 21/4/06. The Inspector-General of Police.

Urgent. Forwarded to Supt. Larkins for attention. The Crown Solicitor states that the Order may be retained by the Gaol Authorities should it be so desired.—DAVID R. McCALL, Secretary (for I.-G. Police, absent). Supt. Larkins.

For immediate attention by Senior-Constable Jordan.—J. TAIT, Sub-Inspector (for Supt.), 3720/6. Mr. Soby.

Re Margaret Jackson, rearrested.

Police Station, Randwick, 22 April, 1906.

SENIOR-CONSTABLE JORDAN reports that on the 21st instant he, in company with Senior-Sergeant Matthews and Constable O'Brien, arrested Jackson at her residence, Terry street, St. Peters, and lodged her in Darlinghurst Gaol. The Order was retained by the Governor. Attached is Gaol receipt.

A. JORDAN,
Senior-Constable.

Sub-Inspector Soby, No. 10 Station.

[Enclosure.]

[A 1.] H. M. Gaol, Darlinghurst, 21 April, 1906. Received from the Police at Randwick one female prisoner.—J. McKOWNE, Deputy Governor Darlinghurst Gaol.

Forwarded to the Superintendent.—N. SOBYE, Sub-Inspector, 22/4/06. N. LARKINS, Esq., Superintendent. Forwarded to the Inspector-General of Police.—N. LARKINS, Superintendent, 23/4/06. For the Crown Solicitor's Information.—THOS. GARVIN, I.-G. Police, B.C., 23/4/06. Submitted for the information of the Hon. the Attorney General.—JNO. V. TILLET, Crown Solicitor, B.C., 25/4/06. The Under Secretary, Dept. of Attorney-General and of Justice.

No. 7.

The Governor of Darlinghurst Gaol to The Comptroller-General of Prisons.

Sir,

Darlinghurst Gaol, 23 April, 1906.

I have the honor to report the reception, on Saturday afternoon, the 21st instant, of Margaret Jackson, the High Court having affirmed the conviction against her, and having reversed the decision (in her case) of the Full Court.

I have, &c.,

ARTHUR H. COLLIS,
Governor, Darlinghurst Gaol.

Forwarded for the Minister's information.—F.W.N., 23/4/06. The Under Secretary, Dept. of Attorney-General and of Justice. Seen. File.—G.W. (for Under Secretary), 26/4/06.

No. 8.

Extract from the *Evening News*, 23 April, 1906.

Case of Nurse Jackson.—Why she was rearrested.

SOME interest is attached to the fact that Nurse Jackson has been recommitted to prison to undergo the sentence of six years passed upon her for manslaughter, in connection with the death of Gertrude Hanlon. When the appeal to the Full Court against the conviction was upheld, and the prisoner released, it was announced that the further appeal by the Crown to the High Court was for the purpose merely of defining the law, and not of rearresting Mrs. Jackson.

Commenting upon the matter to day, the Attorney-General, Mr. Wade, said that at the time the appeal to the High Court was made, it was the definition of the abstract question of law that he was most concerned about. "However," Mr. Wade added, "the High Court gave its specific order in a form which maintained the conviction, and there was then no other course open than to rearrest Mrs. Jackson."

No. 9.

J. W. Abigail, Esq., to The Governor, Darlinghurst Gaol.

97, Elizabeth-street, Opposite Land Titles Office, Between King and Market Streets,

Sir,

Sydney, 26 April, 1906.

I have to demand, in terms of the Act 31 Car. II, that you will forthwith furnish me with a true copy of the warrant of commitment and detainer of Margaret Jackson, a prisoner, now serving a sentence of six years' imprisonment in Darlinghurst Gaol.

I have, &c.,

JAMES W. ABIGAIL.

The Comptroller-General,—I have verbally informed Mr. Abigail's clerk that warrants of commitment are not issued by the higher courts; that prisoner is detained under extract of return of conviction, the original of which is held by the Comptroller-General, and referred him to you for the copy.—ARTHUR H. COLLIS, Governor, Darlinghurst Gaol, B.C., 26/4/06.

Referred for any directions that may be deemed necessary.—F.W.N., 27/4/06. The Under Secretary, Dept. of Attorney-General and of Justice. Submitted for the Attorney-General's directions. Attention is invited to section 5 of 31 Car. II, cap. II.—G.W. (for U.S.), 27/4/06. See now papers, 06-6250.—G.W., 27/4/06.

No. 10.

Minute of the Under Secretary, Department of the Attorney-General and of Justice.

Memo. for the Minister's information.

MR. POLLOCK, who was going out of town on Friday, informed me that the reply to an application for a writ of *habeas* in this case is the record or a certificate of conviction.

Mr. Beaver says that in England warrants are not issued by the higher courts, and he believes the reason is that, being courts of record, the sentence of the court is sufficient authority for a constable or gaoler to act upon.

G.W., 30/4/06.

Seen.—C.G.W., 31/4/06.

No.

No. 11.

The Governor of Darlinghurst Gaol to The Comptroller-General of Prisons.

Sir, Darlinghurst Gaol, 27 April, 1906.
I have the honor to forward herewith, as directed by telephonic message, all papers in connection with the imprisonment of Margaret Jackson. I have, &c.,

ARTHUR H. COLLIS,
Governor, Darlinghurst Gaol.

These are all the papers that we have concerning this case. They are forwarded for perusal. I am sending the prisoner to Bathurst.—F.W.N., 27/4/06. The Under Secretary, Department of Attorney-General and of Justice.

No. 12.

Departmental Memorandum.

Subject:—Case of Margaret Jackson.

Memo. for the Attorney-General.

Department of the Attorney-General and of Justice, 27 April, 1906.

A CLERK of Mr. J. W. Abigail's called at the Department, and asked that he might be supplied with a certified extract relating to Margaret Jackson from the Gaoler's record of convictions, as no warrant was available. It was required to be attached to an affidavit in connection with an application for a writ of *habeas* it is intended to make on Monday next.

He also asked that authority might be given for him to see Margaret Jackson, for the purpose of getting an affidavit from her. G.W.

(for Under Secretary).

Approved. Write Mr. Abigail. State extract is forwarded in accordance with his request.—C.G.W., 27/4/06. Mr. Abigail, with copy of record, 27/4/06.

The Under Secretary, Department of the Attorney-General and of Justice, to J. W. Abigail, Esq.

Sir,

27 April, 1906.

In compliance with your request, I have the honor, by direction of the Attorney-General and Minister of Justice, to forward to you herewith a copy of the Gaoler's record of conviction of Margaret Jackson at the Sydney Court of Gaol Delivery upon a charge of manslaughter.

The Minister has also approved of your being permitted to see Mrs. Jackson at Darlinghurst Gaol for the purpose of obtaining an affidavit from her.

I have, &c.,

(for Under Secretary).

No. 13.

The Governor, Darlinghurst Gaol, to The Comptroller-General of Prisons.

Sir,

Darlinghurst Gaol, 3 May, 1906.

I have the honor to submit copy of order *nisi* and copies of other documents in connection with the case of Prisoner Margaret Jackson, and respectfully request that they be forwarded to the Crown Law Office, with a view to the necessary action being taken in the matter.

I have, &c.,

ARTHUR H. COLLIS,

Governor, Darlinghurst Gaol.

Forwarded to the Under Secretary of Justice.—S.McC., 3/5/06. The Under Secretary, Dept. of Attorney-General and of Justice. Submitted.—G.W. (for Under Secretary), 4/5/06. Brief Mr. Pollock.—C.G.W., 4/5/06. The Crown Solicitor.—G.W. (for U.S.), B.C., 4/5/06.

The Court to-day delivered its reserved judgment on the prisoner's application for an order to make absolute a rule *nisi* for the issue of a writ of *habeas corpus* for her discharge from custody, and discharged the said rule. Papers herewith.—JNO. V. TILLET, Crown Solicitor, B.C., 21/5/06. The Under Secretary, Dept. of Attorney General and of Justice.

Respecting case of Prisoner Margaret Jackson (Crown Solicitor, B.C., 21/5/06), forwarded for the information of the Deputy Comptroller of Prisons.—G.W. (for U.S.), B.C., 23/5/06. Prisoner may now be sent on to Bathurst for proper classification.—S.McC., 24/5/06. Governor, Darlinghurst.

[Enclosure.]

In the Supreme Court of New South Wales,
Criminal Jurisdiction.

The King against Margeret Jackson; and in the matter of the application of His Majesty's Attorney-General on behalf of the Crown for a Writ of Error to issue for the reversal of the judgment on the conviction in the above case; and in the matter of the "Crimes Act, 1900."

Thursday, the tenth day of May, in the year of Our Lord one thousand nine hundred and six.

UPON reading the Notice of Motion, as amended by this Honorable Court, dated the 9th day of May instant, and upon reading the record returned herein, and it appearing therein that a sentence of six years' imprisonment had been imposed contrary to the provisions of section 24 of the Crimes Act, 1900; and upon hearing Mr. Pollock, of counsel on behalf of the Crown, and Mr. Blacket, of counsel for the abovenamed Margaret Jackson, whereupon all and singular the premises having been seen and by the Court of Our said Lord the King himself here fully understood; and having examined and inspected as well the record and proceedings aforesaid, and the judgment thereon given as aforesaid, as the matter above assigned and alleged

alleged for error, it appears to the Court here that in the record and proceedings aforesaid there is manifest error; therefore, it is ordered and adjudged that the judgment aforesaid for the error aforesaid and others in the record and proceedings aforesaid found and being amended by adjudging that the said Margaret Jackson be sentenced to six years' penal servitude in lieu of six years' imprisonment.

By the Court

(for the Prothonotary),
ARTHUR G. SADDINGTON,
Chief Clerk.

J. V. Tillett, Crown Solicitor.

No. 14.

The Prothonotary to The Comptroller-General of Prisons.

The King *versus* Margaret Jackson, convicted at the Central Criminal Court, Sydney.
(Offence—Manslaughter.)

Sir,

Prothonotary's Office, Supreme Court, Sydney, 12 May, 1906.

I certify that the High Court of Australia, on the 12th day of April last, ordered that the judgment of the Supreme Court of this State, reversing the conviction of the abovenamed Margaret Jackson, should be reversed; and the said High Court further ordered that the said conviction should be affirmed.

And I further certify that on Monday, the 30th day of April last, the said Supreme Court confirmed the order of the Honorable Robert Darlow Pring, made on the 21st day of April last, whereby it was ordered that the said order of the said High Court should be filed of record in the said Supreme Court.

I have, &c.,

C. R. WALSH,
Prothonotary.

Governor, Darlinghurst,—Inform prisoner she may now go on to her destination.—S.McC., 14/5/06.

No. 15.

Memorandum from The Crown Solicitor to The Comptroller-General of Prisons.

Memorandum: *Re* Margaret Jackson.

Crown Solicitor's Office, Sydney, 16 May, 1906.

As you are aware, the papers in connection with this case were forwarded me to take the necessary steps to oppose the abovenamed prisoner's application for a writ of *habeas corpus* for her release from gaol, as she had been rearrested under the order of the High Court of Australia, of 12th April last, which reversed the judgment of the Supreme Court, and affirmed the conviction of the Central Criminal Court, of 20th September last, when she was sentenced to six years' imprisonment. One ground on which the prisoner relied was that the aforesaid sentence was illegal, under section 24 of the "Crimes Act, 1900"; so, to prevent her release on that ground, assuming it is one on which a writ of *habeas corpus* would issue, the Honorable the Attorney-General instructed me to apply to the Court to issue a writ of error to amend the said sentence, which was accordingly done; and the Court thereupon amended the sentence to six years' penal servitude in lieu of six years' imprisonment, as will be seen from the order herewith enclosed. The Court intimated that, as the prisoner was an old woman, a recommendation should be made to the Executive that she should be treated as if she had been sentenced to light labour. The Court has not delivered its judgment on the application for the writ of *habeas corpus*; but I think, from certain expressions that fell from the Chief Justice, that the Court will not allow the writ to issue for the prisoner's release. I will, therefore, retain the papers sent me until the result of the application is made known.

JNO. V. TILLET,
Crown Solicitor.

For the Governor's information. The prisoner to remain at Darlinghurst pending further instructions.—S.McC., 17/5/06. The Governor, Darlinghurst Gaol.

(06-11,035.) D.C. Prisons, requesting an order for the admission of Prisoner Margaret Jackson to an hospital for the criminal insane, 31/7/06. The Under Secretary, Chief Secretary's Department, 1/8/06.

(06-11,359.) Under Secretary, Chief Secretary's Department, B.C., forwarding an order for the admission of Prisoner Margaret Jackson to Hospital for Criminal Insane, Parramatta, 7/8/06. The Inspector-General of the Insane, 14/8/06.

No. 16.

Minute of the Under Secretary, Department of the Attorney-General and of Justice.

Case of Prisoner Margaret Jackson. (Manslaughter.)

15 August, 1906.

SUBMITTED. A statement is attached showing the various applications made to the courts in this case. Extract from the issue of the *Evening News* of the 23rd April last containing statement made by the Attorney-General is also herewith; also previous papers in the case, with extracts of recent papers respecting her insanity. These papers are with the Inspector-General of the Insane in connection with a request of the Deputy-Comptroller of Prisons, that prisoner (who is now stated by the Visiting Surgeon to Darlinghurst Gaol to have recovered her sanity), be examined by Dr. Sinclair.

J. L. WILLIAMS,
Under Secretary.

Dr. Sinclair has not yet been to the gaol to examine Mrs. Jackson.—G.W., 15/8/06. Seen.—C.G.W., 15/8/06. Margaret Jackson's case.—J.W.C. Mr. Wade. Various court applications and statement by me, either in *Evening News* or the House, when High Court ordered rearrest.—C.G.W., 15/8/06.

[Enclosure.]

Case of Prisoner Margaret Jackson.

Convicted of manslaughter, and sentenced to six years' light labour, 20th September, 1905.
 Conviction reversed by Full Court and prisoner discharged, 14th November, 1905.
 Special leave to appeal allowed by High Court. Judgment of Full Court reversed and conviction affirmed (copy of judgments attached to 06-5,593 herewith), 12th April, 1906.
 Prisoner rearrested and lodged in gaol, 21st April, 1906.
 Rule *Nisi* for writ of *Habeas Corpus* granted, 3rd May, 1906.
 Application by Attorney-General to Full Court for Writ of Error for amendment of conviction, and judgment thereon. Sentence amended to six years' penal servitude (23 Weekly Notes, page 64), 10th May, 1906.
 Rule *Nisi* for writ of *Habeas Corpus* discharged (23 Weekly Notes, page 65), 21st May, 1906.
 No further application was made to High Court after 21 May, 1906.—G.W., 15/8/06.

Papers of Prisoner Margaret Jackson,—Copy of Order *Nisi* and other documents returned in accordance with your telephonic communication of even date.—SAMUEL McCauley, D.C.P. The Under Secretary, Department of Attorney-General and of Justice.

(06-12,930.) D.C. Prisons,—That Prisoner Margaret Jackson is being removed to Bathurst Gaol, and asking that the order for her admission to Hospital for Criminal Insane be cancelled, 5/9/06.

(06-13,307.) U.S., Chief Secretary's Dept.—Reporting cancellation of warrant for admission of Prisoner Margaret Jackson into an Hospital for Criminal Insane, 12/9/06. To D.C. Prisons, 14/9/06.

No. 17.

W. A. Holman, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Dear Mr. Wade,

27 September, 1906.

In further reference to our conversation about Mrs. Margaret Jackson, I beg to forward you herewith a letter which I have received from Mr. Wilfred Blacket, which I venture to hope will put a new aspect on the case. In the light of this letter, may I now beg that you will see your way to secure Mrs. Jackson's release in some method.

Yours faithfully,
 W. A. HOLMAN,
 (per T.S.G.)

[Enclosure.]

Re Jackson.

Dear Holman,

182 Phillip-street, Sydney, 24 September, 1906.

From the report in 3 Ch. R., 735, it will appear that on the appeal to the High Court it was left an open question whether prisoner could be rearrested. The order on the appeal is correctly stated in the report on page 750. The High Court made no order for rearrest, and, as the affidavits used on subsequent application to Full Court show, she was not rearrested openly, but was inveigled to Darlinghurst on the excuse that £50 was due for costs.

Yours truly,
 W. BLACKET.

W. A. Holman, Esq.

Submitted. Attention is invited to the Minister's minutes of the 15th August last on papers herewith. The necessary order was obtained for the transfer of the prisoner to the Hospital for Criminal Insane; but, after examining her in Darlinghurst Gaol, the Inspector-General of the Insane decided that such transfer was not necessary. The order was cancelled, and prisoner was returned to Bathurst Gaol.—J.L.W., Under Secretary, 4/10/06.

Release cannot be recommended.—C.G.W., 5/10/06. Mr. Holman, 6/10/06. For the information of the Deputy-Comptroller of Prisons. (Please return).—J. L. WILLIAMS, Under Secretary, (per W.M.), B.C. 8/10/06. Mr. W.—Place copy with prisoner's papers.—H.M. Noted and returned.—SAMUEL McCauley, D.C.P., 8/10/06. The Under Secretary, Department of Attorney-General and of Justice.

The Under Secretary, Department of the Attorney-General and of Justice, to W. A. Holman, Esq., M.L.A.

Sir,

6 October, 1906.

I have the honor to inform you that the Attorney-General and Minister of Justice has had under notice your letter of the 27th ultimo, forwarding a communication from Mr. W. Blacket, Barrister-at-Law, respecting the case of Prisoner Margaret Jackson, and asking that steps be taken for the prisoner's release.

In reply, I am directed to inform you that Mr. Wade has carefully reconsidered the circumstances of the case, but is unable to see his way to recommend to His Excellency the Governor that the prisoner be liberated.

I have, &c,

Under Secretary.

No.

No. 18.

Minute of the Under Secretary, Department of the Attorney-General
and of Justice.

Subject:—Case of Prisoner Margaret Jackson, now serving a sentence of six years' penal servitude for manslaughter.

Department of the Attorney-General and of Justice, Sydney, 9 November, 1906.

Will the Comptroller-General of Prisons be so good as to cause me to be furnished with a report as to the present health and mental condition of Prisoner Margaret Jackson, for the information of the Attorney-General and Minister of Justice.

J. L. WILLIAMS,

Under Secretary.

Governor, Bathurst, for attention.—F.W.N., C.-G.P., 10/11/06. The Visiting Surgeon for favour of a report.—D. J. D'ARCY, Acting Governor, 11/11/06. Visiting Surgeon's report attached.—D. J. D'ARCY, Acting Governor, Bathurst Gaol, 12/11/06. The Comptroller-General of Prisons. Forwarded.—F.W.N., C.-G.P., 13/11/06. The Under Secretary, Department of Attorney-General and of Justice. Submitted.—J.L.W., Under Secretary, 14/11/06. The report gives me no information as to prisoner's mental condition.—C.G.W., 15/11/06. The Comptroller-General of Prisons.—G.W. (for U.S.), B.C., 16/11/06.

[Enclosure.]

Particulars of Conviction and Prison History of Margaret Jackson, a prisoner in Bathurst Gaol.

Name of prisoner—Margaret Jackson.

Born—Ireland; 19th December, 1848.

Convicted—Sydney Gaol Delivery, 20th September, 1905.*

Offence—Manslaughter.

Sentence—Six years' imprisonment with light labour, Bathurst Gaol.

Judge—Mr. Acting Justice Fitzhardinge.

Recommendation or remarks—Jury recommended prisoner to mercy on account of old age.

Convicted in conjunction with William John Hanlon.

Due for discharge by remission on 5/1/11, counting losses.

Sentence amended by Full Court to one of six years' penal servitude.

Previous Convictions.

Where.	When.	Offence.	Sentence.
Newtown P.C.	3 Nov., 1894 ...	Breach of Children's Protection Act	£5 10s., or one month's imprisonment.
Sydney G.D.	5 Dec., 1894	Failing to furnish and forward a record to Registrar of the birth of a child in a lying-in home of which they were in charge; two charges.	One year hard labour on each charge; fine, £100 each charge; sentences concurrent; fines cumulative; convicted with Thomas Jackson.

Prison History.

Present Position.

Class, 1st; Division, B; Ration, No. 2; employed at cleaning tinware.

In the Gaol at—	Period.		Total Number of Days.	Marks.		Remarks.
	From.	To.		Orderly.	Disorderly.	
Darlinghurst (1)	20 Sept., 1905	14 Nov., 1905	56	56	Period at liberty, between 14th November, 1905, and 21st April, 1906, not included—viz., 157 days.
„ (2)	21 April, 1906	29 May, 1906	39	39	.....
Bathurst	30 May, 1906	27 July, 1906	59	59	.....
Darlinghurst (3)	28 July, 1906	6 Sept., 1906	41	41	.....
Bathurst	7 Sept., 1906	12 Nov., 1906	67	65	2	
Totals			262	260	2	

Punishments.

Where.	When.	Offence.	Punishment.	No. of days loss from remission.
Bathurst	5 July, 1906	Creating a disturbance in D Wing	Prisoner placed under medical observation; charge withdrawn, 7th July, 1906; no disorderly mark.	.....
„	14 Sept., 1906	Continuons disorderly conduct ...	Twenty-four hours' cells.	3
„	27 Sept., 1906	Destroying Government property—viz., a blanket, value 9s. 4d.	Three days' cells, and to pay 9s. 4d. damages from any gratuity.	9

* Conviction quashed by Full Court; prisoner discharged from gaol, 14/11/06; decision of Full Court reversed by High Court, and conviction affirmed; rearrested and lodged in gaol, 21/4/06.

General Conduct in Darlinghurst Gaol (1) and (2)—Good.
 " Bathurst Gaol—Violent and noisy. Under observation.
 " Darlinghurst Gaol (3)—Under observation.
 " Bathurst Gaol—Indifferent.

Dates eligible by sentence to enter—

"A" Division, 1st stage, 20th September, 1905, to 14th November, 1905; 21st April, 1906, to 24th April, 1906.

"A" Division, 2nd stage, 25th April, 1906.

"B" Division, 25th August, 1906.

"C" Division, 3rd May, 1908.

Date entered separate } Exempt.
 Date completed separate }

If previously aided by the Association for Assisting Discharged Prisoners—No.

D. J. D'ARCY,
 Officer-in-Charge.

Bathurst Gaol, 12th November, 1906.

Bathurst Gaol, 12 November, 1906.

Margaret
 Jackson.

HAVING reference to the prisoner named in the margin, I have the honor to report that she has improved of late. When seen by me, during the last week or two, her demeanour has been much more subdued. I am informed by Female Warder Dunne that the prisoner latterly has been more restful by day and by night—her continued walking about and groaning at night, disturbing the rest of other prisoners, if it has not quite ceased, has much diminished.

W. R. BASSETT.

Forwarded to the Comptroller-General of Prisons.—D. J. D'ARCY, Acting Governor, Bathurst Gaol, 12/11/06.

Subject:—Case of Prisoner Margaret Jackson, six years' penal servitude.

BE good enough to request the Visiting Surgeon to furnish a further report, in terms of the Minister's minute of 15th November, 1906, herewith.—F.W.N., C.-G.P., 17/11/06. The Governor, Bathurst.

The Visiting Surgeon, for favour of a further report.—A. BARR, D.G., 18/11/06. Further report from the visiting Surgeon attached.—A. BARR, D.G., 18/11/06. The Comptroller-General of Prisons. A further report by the Visiting Surgeon is attached.—F.W.N., C.-G.P., 19/11/06. The Under Secretary, Department of Attorney-General and of Justice. Submitted.—J.L.W., Under Secretary, 20/11/06. Seen. If Dr. Sinclair happens to be in Bathurst, I should like him to examine the prisoner as to her mental condition.—C.G.W., 20/11/06. Returned, 20/11/06. Forwarded to the Inspector-General of the Insane.—G.W. (for Under-Secretary), B.C., 21/11/1906.

Margaret
 Jackson.

Bathurst Gaol, 18 November, 1906.

HAVING reference to the prisoner named in the margin, I have the honor to further report that since her return to this gaol she has behaved irrationally. She continues to do so still, but in a lesser degree. My opinion now is that she is malingering. Her bodily health is fairly good.

W. R. BASSETT.

No. 19.

Petitions from certain residents of St. Peters.

Subject:—Forwarding Petition from residents of St. Peter's, urging the release of Prisoner Margaret Jackson. (A. Kelly, M.L.A., 17th December, 1906.)

SUBMITTED. The petition is addressed to the Speaker and Members of the Legislative Assembly.—J.L.W., Under Secretary, 20/12/06. Petition is informal.—C.G.W., 22/12/06. Mr. Kelly, M.L.A. (with petition), 24/12/06.

The Under Secretary, Department of the Attorney-General and of Justice, to A. J. Kelly, Esq., M.L.A.

Sir,

24 December, 1906.

I have the honor, by direction of the Attorney-General and Minister of Justice, to return to you herewith the petition presented by you from residents of St. Peters and others, and addressed to the Speaker and Members of the Legislative Assembly, praying for the release from custody of Prisoner Margaret Jackson, and to inform you that such petition should be addressed to His Excellency the Governor of New South Wales.

I have, &c.,

J. L. WILLIAMS,

Under Secretary.

Subject:—Forwarding amended petition for the release of Margaret Jackson. (A. Kelly, M.L.A.)

C.-G. of Prisons, for particulars and report of Visiting Surgeon, 8/1/07. Forwarded for the information of His Excellency the Governor. The Private Secretary, B.C., 8/1/07.—J. L. WILLIAMS, Under Secretary. The Honorable the Attorney-General and Minister of Justice.—HARRY H. RAWSON, Governor, 9/1/07. Returned, 10/1/07.

Petition

Petition for release of Prisoner Margaret Jackson. (Mr. A. Kelly, M.L.A.)

23 January, 1907.

SUBMITTED with reference to the Minister's minute of the 22nd ultimo, on paper 06-18,573, herewith. The grounds of the petition for prisoner's release are her advanced years (she is 58 years of age), and her failing health.

Prison particulars and report of the Acting Visiting Surgeon to the Bathurst Gaol are herewith. Dr. Bassett states that prisoner exhibits symptoms (real or assumed) of mental aberration, that she is suffering from insomnia, but otherwise is in good health.

Previous papers, herewith, have been obtained from the Inspector-General of the Insane, who has been asked to examine prisoner as to her mental condition. He, from his previous knowledge of prisoner, has formed the opinion that she is a malingering.

J. L. WILLIAMS,

Under Secretary.

[Enclosures.]

In the matter of Margaret Jackson—release from prison.—Petition from certain residents of St. Peters in favour of.

To His Excellency, Admiral Sir Harry Holdsworth Rawson, R.N., K.C.B., Governor of the State of New South Wales.

The humble petition of residents of St. Peters, near Sydney,—

Showeth as follows:—

The undersigned residents of St. Peters, near Sydney, desire respectfully to invite your attention to the case of one Margaret Jackson, who was convicted of manslaughter, and is at present a confinee in His Majesty's Gaol at Bathurst.

We desire to submit that, in view of the advanced years and failing health of the prisoner, she should be at once released from her present confinement in such gaol.

Your petitioners, therefore, humbly pray that the release of the said Margaret Jackson from prison may be granted with the least possible delay.

And your petitioners, as in duty bound, will ever pray, &c.

Herbert William Barnes 24 Terry-street, St. Peters.	E. Uebel, Terry-street, St. Peters.
Mary Ann Barnes, 24 Terry street, St. Peters.	Ann Fitzmaurice, Annandale-street, Annandale.
James Swain, 30 Terry-street, St. Peters.	Harry Burton, per M. Burton, St. Peters.
Alice M. Swain, 30 Terry-street, St. Peters.	Mary Ann Burton, St. Peters.
Joseph Jacobsen, 30 Terry-street, St. Peters.	Annie Lillie, 59 Terry-street, St. Peters.
Frederick J. Jacobsen, 30 Terry-street, St. Peters.	C. Morris, Terry-street.
Sarah Talbot, 32 Terry-street, St. Peters.	J. Ballan, Terry-street, St. Peters, grocer.
Sarah Townsend, 32 Terry-street, St. Peters.	Nancy Choat, 9 Frederick-street, St. Peters.
Thomas Townsend, 32 Terry-street, St. Peters.	Mary Brooks, 93 Terry street, St. Peters.
Enoch Talbot, Terry-street, St. Peters.	Herbert Choat, 9 Frederick-street, St. Peters.
Clem. Talbot, Terry-street, St. Peters.	Rose Proudfoot, Terry-street, St. Peters.
Harry Talbot, Terry-street, St. Peters.	Lucy Bosely, Terry-street, St. Peters.
Charlie Talbot, Terry-street, St. Peters.	M. Smart, Terry-street, St. Peters.
Henry James (per E. James), Terry-street, St. Peters.	W. Hovenden, 105 Terry-street.
Elizabeth James, Terry-street, St. Peters.	Mr. M. E. Tancred, 115 Terry-street.
Violet James, Terry-street, St. Peters.	J. A. Munro, 657 King-street, Tempe.
Sun Berge.	Sydney Ogden, 70 Prospect-street, Erskineville, greengrocer.
Chris. Berg, 46 Terry-street.	Charles Capps, 7 Terry-street, St. Peters, clicker.
Elizabeth Moore, 62 Terry-street, St. Peters.	Minnie Capps, 7 Terry-street, St. Peters.
Eliza Hamilton, 47 Terry street, St. Peters.	William Mundy, Belmore-street, St. Peters, fisherman.
Alice Mullins, 41 Terry-street, St. Peters.	M. A. Farmer, King-street, St. Peters.
Elizabeth Mullins, Terry-street, St. Peters.	A. E. Cook, King-street, Tempe, barber.
Henry Britt, 37 Terry-street, St. Peters.	L. Guard, Wentworth-street, Tempe.
Rose Klein, Terry-street, St. Peters.	W. Munson, 846 King-street, Tempe.
Ellen Couper, Terry-street, St. Peters.	W. Weaver, 826 King-street, Tempe.
S. Keep, Terry-street, St. Peters.	J. Tripp, 709 King-street, Tempe.
E. Ward, Terry-street, St. Peters.	W. C. Cook, 723 King-street, Tempe.
J. Forrest, Terry-street, St. Peters.	William Margitts, Meeks-road, Marrickville.
L. Benson, St. Peters.	Richard Margitts, 2 Sydney-street, Marrickville.
Walter Henry Whitby, 515 King-street, St. Peters.	Mrs. Margitts, Sydney-street, Marrickville.
R. Brewster, Park-road, St. Peters.	Mrs. May Margitts, Meeks-road, Marrickville.
H. Moon, No. 5 Park-road, St. Peters.	Mrs. C. Murphy, Sydney-street, Marrickville.
Martha May Cecilia Dunbier, 45 Railway-road, St. Peters.	Charlie Murphy, Sydney-street, Marrickville.
William Digby Rowe, 27 Henry-street, St. Peters.	Mrs. Lawder, Farr-street, Marrickville.
George White, 48 Railway-road.	Harry Margitts, Denby-street, Marrickville.
Ann Halpin, Park-road, St. Peters.	Mrs. H. Margitts, Denby-street, Marrickville.
Margaret Alma Conway, Park-road, St. Peters.	G. A. Miller, Grosvenor-street, Neutral Bay.
Mary O'Donnell, Park-road, St. Peters.	S. Leman, French-street, Marrickville.
Annie M. Barden, Park-road, St. Peters.	J. T. Barclay, Unwin's Bridge road, Marrickville.
May Darke, Unwin's Bridge road, St. Peters.	J. W. Farrow, 826 King-street, Tempe.
Ernest Andrews, 350 Unwin's Bridge road, St. Peters.	J. Austin, Barden-street, Tempe.
E. Gleeson, 366 Unwin's Bridge road, St. Peters.	S. Botger, 51 Wentworth-street, Tempe.
E. Bradshaw, 101 Terry-street, St. Peters.	A. M. Gannon, Union-street, Tempe.
Winifred Bradshaw, 111 Terry-street, St. Peters.	Geo. W. Lee, Railway-road, Tempe.
A. Ballam, Terry-street, St. Peters.	S. M. Guard, 52 Wentworth-street, Tempe.
A. Parkinson, Terry-street, St. Peters.	

The

The Under Secretary, Department of the Attorney-General and of Justice, to The Comptroller-General of Prisons.

Department of the Attorney-General and of Justice, Sydney, 8 January, 1907.

MEMO.: Will the Comptroller-General of Prisons be so good as to furnish me with usual prison particulars in the case of Prisoner Margaret Jackson, convicted at Central Criminal Court on the 20th September, 1905, of manslaughter, and sentenced to six years' penal servitude.

A report is also desired from the Visiting Surgeon as to the present state of prisoner's health. Petition for release is based on her advanced years and failing health.

J. L. WILLIAMS,
Under Secretary,
(per H.M.)

Governor, Bathurst Gaol, for attention.—S.McC. (for C.G.P.), 8/1/07. The Acting Visiting Surgeon for favour of report.—D. J. D'Arcy, Actg. Governor, Bathurst Gaol, 9/1/07. Prison particulars and medical report herewith as desired.—D. J. D'Arcy, Acting Governor, Bathurst Gaol, 10/1/07. The Comptroller-General of Prisons. Forwarded to the Under Secretary.—S.McC. (for C.G.P.), 11/1/07. The Under Secretary, Department of Attorney-General and of Justice.

PARTICULARS of Conviction and Prison History of Margaret Jackson, a prisoner in Bathurst Gaol.

Name of Prisoner.—Margaret Jackson.

Born.—Ireland; 19th December, 1848.

*Convicted.—Sydney Gaol Delivery, 20th September, 1905.

Offence.—Manslaughter.

Sentence.—†Six years' light labour, Bathurst Gaol.

Judge (Acting).—Fitzhardinge.

Recommendation or Remarks.—Convicted in conjunction with William John Hanlon.

Jury recommended prisoner to mercy on account of old age. Points were reserved.

Due for Discharge on—17th January, 1911.

Eligible for *nil* gratuity to date.

Eligible for *nil* bonus, &c., &c., to date.

Previous Convictions.

Where.	When.	Offence.	Sentence.
Newtown P.C.	2 Nov., 1904.	Breach of Children's Protection Act.	£5 10s., or one month cells.
Sydney G.D.	5 Dec., 1904.	Failing to furnish and forward a record to Registrar of the birth of a child in a lying-in home of which they were in charge; two charges.	One year hard labour on each charge; fine, £100 on each charge; sentences concurrent; fines cumulative; convicted with Thomas Jackson.

Prison History.

Present Position.

Class, 1st; Division, B; Ration, No. 2; employed at cleaning tinware.

In the Gaol at—	Period.		Total Number of Days.	Marks.	
	From.	To—		Orderly.	Disorderly.
Darlinghurst	20 Oct., 1905 ...	14 Nov., 1905 ...	56	56	.....
At liberty	15 Nov., 1905 ...	20 April, 1906 ...	.....	.....	.....
Darlinghurst	21 April, 1906 ...	29 May, 1906 ...	39	39	.....
Bathurst	30 May, 1906 ...	27 July, 1906 ...	59	59	.....
Darlinghurst	28 July, 1906 ...	6 Sept., 1906 ...	41	41	.....
Bathurst	7 Sept., 1906 ...	9 Jan., 1907 ...	125	122	3
Totals .....	.....	.....	320	317	3

Punishments.

Where.	When.	Offence.	Punishment.	No. of days loss from remission.
Bathurst.....	14 Sept., 1906	Continuous disorderly conduct ...	24 hours cells	3
„	27 Sept., 1906	Destroying Government property —a blanket, valued at 9s. 4d.	3 days cells, and to pay 9s. 4d., value of blanket.	9
„	14 Dec., 1906	Continuous disorderly conduct—assault a warder.	4 days cells.	12

General Conduct in Darlinghurst Gaol—Good; Bathurst Gaol—violent and noisy; under observation; Darlinghurst Gaol—under observation; Bathurst Gaol—indifferent.

Dates eligible by sentence to enter—

“A” Division, 1st stage, 20th September to 14th November, 1905.

“A” Division, 1st stage, 21st April, to 25th August, 1906.

“B” Division, 25th August 1906.

“C” Division, 3rd May, 1908.

Liberty Class, 10th December, 1910.

Date

* Conviction quashed by Full Court, and prisoner discharged from Gaol 14th November, 1905; Crown appealed, and decision of Full Court reversed by High Court, and conviction affirmed, and prisoner rearrested and lodged in gaol, 21st April, 1906.

† Sentence amended by Full Court to one of six years' penal servitude.

Date entered separate, } Exempt.
Date completed separate, }

If previously aided by the Association for Assisting Discharged Prisoners.—No.

Date actually entered by reason of misconduct—"C" Division, 11th May, 1908. Liberty Class, 3rd January, 1911.

Bathurst Gaol, 9th January, 1907.

D. J. D'ARCY,
Officer-in-Charge.

PARTICULARS of Conviction and Prison History of William John Hanlon, a prisoner in Goulburn Gaol.

Name of Prisoner.—William John Hanlon.

Born.—Ireland; 12th April, 1875.

Convicted.—Central Criminal Court, 18th September, 1905.

Offence.—Manslaughter.

Sentence.—Two and a half years hard labour.*

Judge.—Fitzhardinge.

Recommendation or Remarks.—Convicted in connection with Margaret Jackson.

Due for Discharge on 8th August, 1907. (New remission approved 13th October, 1905.)

Eligible for 11s. 3d., gratuity to date.

Eligible for *nil* bonus, &c., to date.

Previous Convictions.—*Nil*.

Prison History.

Present Position.

Class, 1st; Division, B; Ration, No. 3; employed at tailoring.

In the Gaol at—	Period.		Total number of days.	Marks.		
	From.	To.		Orderly.	Industrious.	Sundays, &c. †
Darlinghurst	18 Sept., 1905	5 Oct., 1905	18	18	13	5
Goulburn	6 Oct., 1905	26 Sept., 1906	356	356	294	62
Total			374	374	307	67

Punishments.—*Nil*.

General Conduct in Darlinghurst and Goulburn Gaols.—Good.

Dates eligible by sentence to enter :—

"A" Division, 1st stage.—18th September, 1905.

"A" Division, 2nd stage.—5th November, 1905.

"B" Division.—18th March, 1906.

"C" Division.—18th November, 1906.

Date entered separate.—5th October, 1905.

Date completed separate.—5th November, 1905.

CHAS. GRAHAM,
Officer-in-Charge.

Goulburn Gaol, 26th September, 1906.

The Acting Visiting Surgeon, Bathurst Gaol, to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

H. M. Gaol, Bathurst, 10 January, 1907.

I have the honor to report that I have this day examined Prisoner Margaret Jackson, and, as the result of such examination, beg to state that the prisoner in question exhibits symptoms (real or assumed) of mental aberration, is undoubtedly suffering from insomnia, but is otherwise in good health.

I have, &c.,

W. RICHARD BASSETT,
Acting Visiting Surgeon.

Forwarded.—D. J. D'Arcy, Acting-Governor, Bathurst Gaol, 10/1/07. Received, 11/1/07.

The Inspector-General of the Insane to the Under Secretary, Department of the Attorney-General and of Justice.

Inspector-General of the Insane, Richmond Terrace, Domain,

Dear Mr. Williams,

Sydney, 17 January, 1907.

I have received a formal note asking for the return of the papers in the case of Margaret Jackson. You may remember that the Attorney-General suggested that I should see her at Bathurst when I happened to be in that neighbourhood. I have not yet had occasion to take such a journey, and fear that if I had to visit this patient it would require a special trip. If the Minister desires this, I will be glad to undertake it, and I would now ask if you would be good enough to inform me if this is desired. The papers are returned herewith.

Yours faithfully,

ERIC SINCLAIR,
Inspector-General of the Insane.

Write to Dr. Sinclair with reference to previous correspondence, and say that the Attorney-General will now be glad if he will arrange, at his early convenience, to visit Bathurst and report on the prisoner's mental state. If he thinks it will be necessary for him to see her more than once, or for any period, say that

* On the expiration of the sentence, to enter into a recognition in £100, with two sureties in £50 each, to keep the peace and be of good behaviour for three years; in default, to be further imprisoned for six months under same conditions.

† Sundays, 52; sick, 7; holidays, 6; days when no work available, 3; total, 67.

that arrangements will be made to bring her to Sydney. Send necessary papers and invite attention to report furnished by the Visiting Surgeon to the gaol at Bathurst, on the 10th ultimo, and to the statement contained in letter from L. Benson of the 13th instant, that, in the opinion of her family who have visited prisoner, she is insane.—J.L.W., Under-Secretary, 14/2/07.

Dr. Sinclair, 14/2/07.

The Under-Secretary, Department of the Attorney-General and of Justice, to The Inspector-General of the Insane.

Dear Dr. Sinclair,

Sydney, 14 February, 1907.

Adverting to our previous communications with regard to the case of Prisoner Margaret Jackson, The Attorney-General will now be glad if you will arrange, at your early convenience, to visit Bathurst and report on the prisoner's mental state. If, however, you think it will be necessary for you to see her more than once or, for any period, arrangements will be made to bring her to Sydney.

With the papers, which I forward herewith, you will observe a report furnished by the Visiting Surgeon to the gaol at Bathurst on the 10th ultimo, in which he reports that the prisoner in question exhibits symptoms (real or assumed) of mental aberration, and is undoubtedly suffering from insomnia, though otherwise in good health.

A letter received this morning from L. Benson, apparently a daughter of the prisoner, states that in the opinion of her family who have visited her, she is insane.

Yours faithfully,

J. L. WILLIAMS.

L. Benson to The Attorney-General and Minister of Justice.

Dear Sir,

5 Terry-street, St. Peters, 13 February, 1907.

Am taking the liberty of writing to you re my mother (Margaret Jackson), now undergoing a sentence of six years. Each month some of her family go to visit her, and we all are of the same opinion—that she is insane. We do not say a raving lunatic, because it is evident she gets glimpses of sanity. At times, when we see her, she is rational to a degree; at other times we might be the greatest strangers to her—she does not know us, and talks nonsense, and, far as we see, she gets very much worse. Some years ago she had an accident. Since then, up to the time of her arrest, she bled daily from the head. The late Dr. Jefferies, of Newtown, told us that, when the bleeding ceased, great care would have to be taken of her, as that blood must find vent, and, if not, then it must affect her brain. One has only to see her and know that her mind is deranged by the wild expression in her eyes. Now I am pleading to know if we could do something for her. She is an absolute wreck—bodily and mentally. I fear that, unless something be arranged, we will be motherless. Hoping, if anything can possibly be done to help her, you will think favourably of this and help us, or let us know, so that we can do for her, while

I remain, &c.,

L. BENSON.

The Inspector-General of the Insane, to The Under Secretary, Department of Attorney-General and of Justice.

Inspector-General of the Insane, Richmond-terrace, Domain,

Sir,

Sydney, 7 March, 1907.

I have the honor to report, for the information of the Attorney-General, that I visited Bathurst Gaol yesterday and examined Margaret Jackson as regards her mental condition. I had a long interview with her, none of the gaol officials being present. I also inquired of the Governor and the superintendent of the female division, and of the gaol surgeon (Dr. Bassett), as to her symptoms and behaviour while in gaol. As the result of my inquiry, I am of opinion that Margaret Jackson is sane, and that her behaviour, which has given rise to the suspicion of unsoundness of mind, is not due to mental disease.

I have, &c.,

ERIC SINCLAIR,

Inspector-General for the Insane.

Subject :—Petition for release of Prisoner Margaret Jackson. (Mr. A. Kelly, M.L.A. ; L. Benson).

Department of the Attorney-General and of Justice, Sydney, 11 March, 1907.

SUBMITTED. Report of the Inspector-General of the Insane is now herewith. Dr. Sinclair is of the opinion that prisoner is sane, and that her behaviour, which has given rise to the suspicion of unsoundness of mind, is not due to mental disease.

G.W.,

Acting Under Secretary.

Seen.—C.G.W., 12/3/07. No recommendation.—C.G.W., 12/3/07. His Excellency the Governor,—I am unable to recommend the remission of any portion of this prisoner's sentence.—C. G. WADE, 14/3/07. Refused.—HARRY H. RAWSON, Governor, 14/3/07. Noted and returned.—S.McG. D.C.P., 16/3/07. The Acting Under Secretary, Department of Attorney-General and Justice. Put by.—C.D.R., 19/3/07.

The Acting Under Secretary, Department of the Attorney-General and of Justice, to The Deputy-Comptroller of Prisons.

Sir,

Department of the Attorney-General and of Justice, Sydney, 15 March, 1907.

Referring to the petition in favour of the prisoner named in the margin, praying for a mitigation of the sentence passed upon her, I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of portion of the prisoner's sentence.

I have, &c.,

G. WHITEFIELD,

Acting Under Secretary

(per D.R.J.).

The

Papers herewith
to be returned.

Margaret
Jackson,
Bathurst Gaol.

The Acting Under Secretary, Department of the Attorney-General and of Justice, to Mrs. L. Benson.

Madam,

15 March, 1907.

Referring to your letter of the 13th ultimo, making certain statements with regard to the health of your mother, Margaret Jackson, now serving a sentence in Bathurst Gaol, and asking for consideration of her case, I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of your mother's sentence.

I am to add, with regard to the representations made as to the health of your mother, that the Visiting Surgeon, Bathurst Gaol, has reported that, though suffering from insomnia, she is otherwise in good health; and the Inspector-General of the Insane has expressed the opinion that she is sane.

I have, &c.,

Acting Under Secretary.

The Acting Under Secretary, Department of the Attorney-General and of Justice, to
A. Kelly, Esq., M.L.A.

Sir,

15 March, 1907.

Referring to the petition presented by you from certain residents of St. Peters for the release of Prisoner Margaret Jackson, I am directed by the Attorney-General and Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of the prisoner's sentence.

I am to add, with regard to the representations made as to the health of the prisoner, that the Visiting Surgeon, Bathurst Gaol, has reported that, though suffering from insomnia, she is otherwise in good health, and the Inspector-General of the Insane has expressed the opinion that she is sane.

I have, &c.,

Acting Under Secretary.

No. 20.

Petition of F. S. Farnell for the release of Margaret Jackson.

To the Honorable C. G. Wade, M.L.A., Attorney-General.

Sir,

58 Royal Arcade, Pitt-street, 26 September, 1907.

I beg respectfully to again bring under your notice the case of Margaret Jackson, now a prisoner in Bathurst Gaol, serving a sentence of six years for the manslaughter of Gertrude Hanlon, in the hope that her release may be granted, upon the following grounds:—

Firstly.—That upon her conviction for the offence she is now paying the penalty for, her counsel gave notice of appeal upon certain points of law, which appeal, upon being heard by the Full Court, her conviction was quashed, the points reserved being upheld; but as one of the points involved was such as to be of primary importance in judicial records, and might bear upon any case of a similar character where these points might be taken, the Crown granted an appeal to the High Court of the Commonwealth

Secondly.—That upon her conviction being quashed she became a free woman, and was released from gaol.

Thirdly.—That leave being granted by the Crown to appeal to the High Court against the Full Court's decision, placed Mrs. Jackson in an unenviable position, and upon being interviewed in your honorable position as Attorney-General, when asked the question as to her position in regard to the appeal, with respect to her recommittal to prison, or as to whether she would be compelled to enter into bonds for her reappearance if required, replied that she would never go back to prison, and that her release was unconditional, and that the only question involved in the appeal was that of having the law on the point declared (extract from *Evening News* of the 28th November, 1905, enclosed), which has led me to infer that it mattered not what might happen or transpire thereafter, that under the circumstances she would not be compelled to abide by the High Court's decision, and be subject to recommittal to prison.

Fourthly.—That, notwithstanding the statement you then made, she was rearrested and is now serving the sentence passed upon her at the Criminal Court, and has during the period of her incarceration suffered both mentally and physically.

Fifthly.—That her brother, a man well known and respected in this city, and who feelingly suffers, knowing the state of her health, and who is about to take a trip out of the Colony for twelve months for the benefit of his health, mercifully pleads to you, through me, to grant her release, so that she may accompany him, and if required will enter into bonds that she will accompany him and will not in the future engage in any business as a nurse, or venture to again take any females under her care as a midwife, or otherwise act so as to bring herself under the pale of the law. I therefore plead on his behalf (and other members of his family) for your merciful consideration of her case, seeing that she has now served two years of her sentence in Bathurst Gaol, for which I shall ever feel grateful. I have been informed that a petition was presented for her release some time ago, which was unsuccessful; but under the circumstances above-mentioned I trust you will favourably consider this appeal.

I have, &c.,

FRED. S. FARNELL

Extract from *The Evening News* of the 28th November, 1905.

Mrs. Jackson's Case.—Her release unconditional.—No chance of her re-arrest.

As reported in *The Evening News* of yesterday, the Crown has granted leave to appeal against the decision of the New South Wales Full Court, by which the conviction of Margaret Jackson, for the manslaughter of Gertrude Hanlon, was recently quashed. The point involved is the admissibility of a

dying deposition, which, it is contended, did not contain the whole of the words uttered by the witness, and as to whether—the objection to the deposition on this particular point not having been reserved at the trial—it could be considered with other reserved points at the appeal. When the conviction was quashed, the prisoner was released from gaol. Leave to appeal having been granted, the Attorney-General was asked this morning what Mrs. Jackson's position would be in the event of the decision of the Full Court being reversed by the High Court.

Would she be recommitted to prison, and would she in the meantime be called upon to enter into a bond for reappearance if required?

"No," said Mr. Wade, "she would never go back again; her release is unconditional."

"The only question involved in the appeal," the Attorney-General added, "is the question of having the law on the point declared."

Subject:—Further petition for release of Prisoner Margaret Jackson. (Mr. F. S. Farnell.)

Department of the Attorney-General and of Justice, Sydney, 3 October, 1907.

SUBMITTED with reference to the decision of His Excellency the Governor, dated the 14th March last.

Prisoner has served a little more than nineteen months of her sentence of six years' penal servitude.

J. L. WILLIAMS,

Under Secretary.

No recommendation.—C.G.W., 3, 10/07. His Excellency the Governor,—I am unable to recommend the remission of any portion of this prisoner's sentence.—C. G. WADE, 6/10/07. Refused.—HARRY H. RAWSON, Governor, 9/10/07. Returned, 9/10/07. Mr. Farnell. C.G. Prisons, 10, 10/07.

The Under Secretary, Department of the Attorney-General and of Justice, to Mr. F. S. Farnell.

Sir, Department of the Attorney-General and of Justice, Sydney, 10 October, 1907.

Referring to your letter of the 26th ultimo, applying for the release of Prisoner Margaret Jackson, now confined in Bathurst Gaol, I am directed by the Premier, Attorney-General, and Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of the prisoner's sentence.

I have, &c.,

J. L. WILLIAMS,

Under Secretary.

The Under Secretary, Department of the Attorney-General and of Justice, to The Comptroller-General of Prisons.

Sir, Department of the Attorney-General and of Justice, Sydney, 10 October, 1907.

Referring to the petition in favour of the prisoner named in the margin, praying for a mitigation of the sentence passed upon her, I am directed by the Premier, Attorney-General, and Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of the prisoner's sentence.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(per G.W.).

Subject:—Refusing remission to Prisoner Margaret Jackson, Bathurst Gaol.

Decision noted, and papers returned. The writer of the petition is apparently identical with an ex-prisoner named F. S. Farnell.—F.W.N., C.-G.P. (per J.W.), 12/10/07. The Under Secretary, Department of the Attorney-General and of Justice. Returned, 16/10/07. File.—E.H.S., 18/10/07.

Mr. F. S. Farnell to The Attorney-General and Minister of Justice.

Sir, 58 Royal Arcade, Pitt-street, Sydney, 16 January, 1908.

On the 26th September last I made application to you for the reconsideration of Margaret Jackson's case (acknowledgment of which was sent by post card No. 07-14,612), and not having received a reply thereto, I shall be glad if you will kindly inform me as to your decision thereon. Having undergone a surgical operation, necessitating my remaining in hospital for over two months, I was unable to further support her claim for your consideration. Her brother (Mr. Quinn) has asked me to move more actively on her behalf, as he is suffering great anxiety and distress of mind about her present position, as her son-in-law (who holds her power of attorney) is leaving the State on an early date; but I feel sure you will give it your just and careful consideration without my doing so. Trusting to receive a favourable reply.

I have, &c.,

FRED. S. FARNELL.

Subject:—Mr. F. S. Farnell respecting the case of Prisoner Margaret Jackson.

Department of the Attorney-General and Justice, Sydney, 21 January, 1908.

THE letter referred to in the attached communication from Mr. Farnell was a petition for the release of Prisoner Margaret Jackson (manslaughter), who was rearrested and lodged in gaol on the 21st April, 1906, in consequence of the decision of the High Court. A copy of the reply addressed to Mr. Farnell is also herewith.

The Comptroller-General of Prisons, when noting the decision of His Excellency the Governor, refusing the prayer of the petition, mentioned that the petitioner was apparently identical with an ex-prisoner named F. S. Farnell.

Will the Inspector General of Police be so good as to cause inquiry to be made, with a view to ascertaining who Farnell is, and what occupation he is following.

J. L. WILLIAMS,

Under-Secretary

(per G.W.)

Subject:—

Subject :—*Re* identity and occupation of F. S. Farnell, mentioned in attached letter.

Detective Office, Sydney, 3 February, 1908.

Detective John Walker reports :—That F. S. Farnell is a son of the "late" James Squire Farnell, "Minister for Lands in the Parkes Administration," and also brother to Mr. Frank Farnell, ex M.L.A.

He usually follows the occupation of a clerk, but lately he has been an inmate of the Sydney Hospital, and is at present residing at 228 Crown-street, city.

The following convictions are recorded against him :—Sydney Quarter Sessions, 20 June, 1890, forgery and uttering, eighteen months hard labour. Water Police Court 29 December, 1902, assault constable ; fined £3, or twenty-one days.

JOHN WALKER,
Detective.

Forwarded to the Inspector-General of Police.—A. POTTER, Superintendent, 3/2/08. Forwarded for information of the Under-Secretary, Department of the Attorney-General and of Justice.—T. GARVIN, Inspector-General of Police, 3/2/08. Returned, 4/2/08. Forward Mr. Farnell a copy of letter dated the 10th October last addressed to him.—J.L.W., Under-Secretary, 7/2/08. Mr. Farnell, 7/2/08. The Comptroller-General of Prisons for notation.—J.L.W. (*per* H.S.), 10/2/08. Noted and returned.—F.W.N, C.G.P., 11/2/08. The Under Secretary, Department of the Attorney-General and of Justice. Returned, 12/2/08. Put by.—C.D.R., 12/2/08.

The Under-Secretary, Department of the Attorney-General and of Justice, to Mr. F. S. Farnell.

16 January, 1908.

Further respecting your application for the release of Prisoner Margaret Jackson.

A COPY of a letter addressed to you by this Department on 10th October, 1907, conveying the decision of His Excellency the Governor in this case is forwarded herewith.

Under-Secretary.

No. 21.

Questions in the Legislative Assembly.

THURSDAY, 9TH APRIL, 1908.

(13.) Release of Margaret Jackson from Bathurst Gaol :—*Mr. McLaurin* (for Mr. O'Sullivan), asked the Premier,—

(1.) Will he state on what grounds the petitions presented to him for the release of Margaret Jackson, now serving a sentence of six years' imprisonment in Bathurst Gaol for the manslaughter of Gertrude Hanlon, were refused?

(2.) Is it a fact that, before the appeal of the Crown to the High Court, he stated in reply to the question—"Would she be recommitted to prison, and would she, in the meantime, be called upon to enter into a bond for reappearances if required?" he answered,—"No; she would never go back again. Her release was unconditional. The only question involved in the appeal was that of having the law on the point declared."

Mr. Wade answered,—

(1.) Petitions for the release of prisoners are decided by His Excellency the Governor, and it is not usual to supply information as to the grounds upon which refusal by His Excellency is based.

(2.) Yes. I was referring to release of prisoner by the Supreme Court; but, as subsequently stated by me, the High Court, in dealing with the appeal against the judgment of the Supreme Court, gave its specific order in a form which maintained the conviction, and I, under the circumstances, deemed it my duty to order her rearrest.

Seen.—J.L.W., U.S., 10/4/08.

No. 22.

The Under Secretary, Department of the Attorney-General and of Justice, to The Comptroller-General of Prisons.

Department of the Attorney-General and of Justice, 18 May, 1908.

Subject :—Forwarding letter from F. S. Farnell, respecting the case of Margaret Jackson, undergoing imprisonment in Bathurst Gaol.

For favour of particulars and inquiry as to the alleged cruel treatment to which the prisoner is being subjected.

A report might also be obtained as to the state of her health.

J. L. WILLIAMS,
Under Secretary,
(*per* D.R.J.)

[*Enclosure.*]

Mr. F. S. Farnell to E. W. O'Sullivan, Esq., M.L.A.

Dear Sir,

228, Crown-street, Darlinghurst, 11 May, 1908.

It appears from certain information which has come to Mrs. O'Brien, of 14, Waive-street, Surry Hills, who interviewed you with me a short time past *re* Margaret Jackson's case, that she (Mrs. Jackson) is at the present time in a very serious state of health, and is being treated in a very harsh and cruel manner by some of the authorities in Bathurst Gaol. She has desired me to write, and kindly ask
if

if you can conveniently grant her an interview on Tuesday or Wednesday next, as she wishes privately to let you know how her aunt is being treated, and also explain some other matters to you in proof of the statements she will make. I feel sure, from the interest you took in the case, and the sympathetic manner in which you spoke to Mrs. O'Brien, that you will excuse me again troubling you in the matter. Mrs. O'Brien interviewed Mr. Holman, M.L.A., and he strongly expressed his readiness and willingness to give all assistance in his power to do what he can on behalf of Mrs. O'Brien in aiding you in any action you may take on account of Mrs. Jackson. It appears cruel that the woman should be allowed to die in gaol, particularly after the statements made by Mr. Wade (Attorney-General) with regard to her release, and after all she has undergone, having served three years' imprisonment (nine months of which was solitary confinement). Apologising for again troubling you, and trusting you are enjoying better health than when I last saw you,

I am, &c.,

FRED. S. FARNELL.

Governor, Bathurst, for careful inquiry and full report.—S.McC., 20/5/08. Will the Visiting Surgeon please kindly submit a full report regarding this prisoner.—D. J. D'ARCY, Governor, Bathurst Gaol, 22/5/08. The Visiting Surgeon, Bathurst Gaol.

I placed the attached papers before the Visiting Justice yesterday, and asked him to interview the prisoner, Margaret Jackson, as she had not on any occasion complained to me about her warders nor treatment by any one at this gaol. As Female Warder Annie Dunne is absent sick, the reports cannot be completed; and as she was very ill with a bad ulcerated mouth when she left here on Monday night last to go to her mother's, I doubt if she will be able to resume duty on Tuesday next. I respectfully suggest that the matter be allowed to stand over pending Miss Dunne's return to duty.—D. J. D'ARCY, Governor, Bathurst Gaol, 22/5/08.

Unnecessary.—F.W.N., 25/5/08. The Comptroller-General of Prisons.

The reports attached show that the prisoner has received proper treatment, and that there is no truth in the allegations of cruelty. I was at Bathurst Gaol at the end of March last and saw every prisoner, and gave careful consideration to all requests made to me. Prisoner Jackson made no complaint, but she is anxious to get to Darlinghurst; this I do not favour. I may point out that the Deputy-Comptroller was in charge of Bathurst Gaol for a week during the beginning of the present month, and this woman had ample opportunity to complain to him had she wished to do so. The whole matter resolves itself into an attempt on the part of this prisoner and her friends to have her removed to Darlinghurst. F.W.N., 25/5/08. The Under Secretary, Department of Attorney-General and of Justice.

H. M. Gaol, Bathurst, Female Division, 22 May, 1908.

I HAVE the honor to report, in reference to Prisoner Margaret Jackson's statement to the Visiting Justice, *re* her being repeatedly refused permission to see the Comptroller-General of Prisons, prisoner's statement is absolutely false; in fact, she saw the Deputy Comptroller of Prisons on his recent visit, and when that officer was in charge of the gaol he saw her every day, and she made no complaint to him. The Comptroller-General of Prisons visited the female division on the 20th January last, and interviewed each female prisoner separately, including Margaret Jackson. She made no complaint, though she, as well as every other female prisoner, was asked by the Comptroller-General of Prisons if she had any complaint to make or desired to speak with him. In reference to prisoner's statement, *re* her asking for her name to be put down to see the Comptroller-General of Prisons, on the 5th of this month her name was entered in the usual way in the request book, and her request to be transferred to another gaol was declined to be acceded to.

Prisoner's conduct has not been satisfactory; she has been punished three times for disorderly conduct, destroying Government property, &c., and is a malingerer, and gives as much trouble to her officers as she possibly can. Seeing that it was stated that prisoner had undergone nine months' solitary confinement, I find, on referring to my books, that prisoner was, upon her reception at this gaol, exempt cellular portion of "A" Division.

Regarding prisoner's allegations against certain female officers: the officers are well conducted and kindly disposed women, and would gain nothing in being harsh or cruel to any prisoner, and at all times I see that prisoners are treated with impartiality, and in accordance with the Prison Regulations.

Female Officers' reports attached.

A. K. CHAPMAN,

The Governor.

Superintendent.

H.M. Gaol, Bathurst, 22 May, 1908.

FEMALE Warder H. Sparkes begs to report, in answer to the remarks made to the Visiting Justice, that the prisoner, Margaret Jackson, heard Female Warder H. Sparkes tell the Visiting Surgeon that she, the prisoner, was a schemer and rogue, is absolutely false.

The female warder would ask that the Governor would refer to the Visiting Surgeon as to the truthfulness of this statement.

H. SPARKES.

The Superintendent. The Governor.

H.M. Gaol, Bathurst, 22 May, 1908.

FEMALE Warder Lovel begs to report, in answer to the statement made by Prisoner Margaret Jackson to the Visiting Magistrate, that she, Margaret Jackson, heard Female Warder Lovel tell the Visiting Surgeon that Margaret Jackson was "a schemer and a rogue."

Such is an absolute falsehood. As a matter of fact, Female Warder Lovel did not even mention that prisoner's name to the Visiting Surgeon.

F. W. S. LOVEL.

The Superintendent. The Governor.

H.M. Prison, Bathurst, 22 May, 1908.

FEMALE Warder N. Hanrahan begs to report that the statement made by Prisoner Margaret Jackson to the Visiting Justice, accusing Female Warder Hanrahan of throwing towels through her cell window to annoy her, is absolutely untrue, and without the slightest foundation.

The Superintendent. The Governor.

N. HANRAHAN.

MARGARET

MARGARET JACKSON states that she put her name down three times to see the Comptroller-General of Prisons, but was only allowed to see him once; and further states: "I have been cruelly and badly treated by Miss Dunne for the past two years. Last September she had occasion to see one of the prisoners upstairs; when she came down she was in a temper, and came to myself and said I ought to be dead, threatened to poison me, and called me names. It was between 7 and 8 o'clock at night. She opened the door; I rushed at her, and she closed the door. I asked to see the Comptroller, and was not allowed. Miss Dunne said I could not put my name down. That was in January last.

"I did not speak to any one else. This morning I heard Miss Lovel and Mrs. Sparkes tell the doctor that I was a schemer and a rogue. I came down this morning to have my name put down, and I saw them with the doctor.

"I have no complaint to make against anyone else, nor of any punishments. Any punishment I have had has been through the misstatements of Miss Dunne. I have never authorised anyone to complain on my behalf. Several of the prisoners have said they would see the Comptroller, especially Alice Hansen, recently discharged.

Early this year, when in the end cell near the hospital, Miss Dunne and Miss Hanrahan used to put towels through the window to excite me. Regarding Miss Dunne threatening me in September, she came into the wing next morning, and, in the presence of the prisoners, said, 'I was in a bad temper, and had to have my revenge on Jacko.' Any noise made in the wing or female warders' quarters was always put down to me by Miss Dunne. I do not complain of any other treatment.

"On 5th this month I asked to put my name down to see the Comptroller-General of Prisons. Miss Dunne came back to me and wanted to know what I wanted to say. I told her it was because she had threatened to poison me. She then said if I made that charge, she would punish me immediately.

"When I came here, there was a prisoner here named Martha Williams, supposed to be Miss Dunne's cousin. Miss Dunne accused me of telling the prisoners this, whereas I had never seen either till I came here. I attribute Miss Dunne's spite against me to this.

"I do not wish to add any more, or to make any other complaint, as I have none to make.

"MARGARET JACKSON."

(A voluntary statement, made before the Visiting Justice this 21st day of May, 1908.)

HAVING reference to the prisoner named in the margin, I have the honor to report that prior to the 19th ^{Margaret Jackson.} April last, since her detention in gaol, I have had frequent opportunities of seeing her, complaining of slight ailments; this on the occasion of my daily visits. She has never complained to me of ill-usage of any kind.

On the 19th of April she had a severe attack of English cholera, such as to call for a visit from me twice daily for about a week. Two women were associated to care for her. I believe all my directions were carried out strictly, and with sympathy. I was not impressed with the idea that my patient would have been backward in making any complaints had grounds for such arisen. On the 5th May she was quite convalescent, and was discharged at her own request to work, retaining a special diet to the present day.

W. R. BASSETT,

Visiting Surgeon.

Bathurst Gaol, 21st May, 1908.

PARTICULARS of Conviction and Prison History of Margaret Jackson, a prisoner in Bathurst Gaol.

Name of Prisoner.—Margaret Jackson.

Born.—Ireland; 19th December, 1848.

*Convicted.—Sydney Gaol Delivery, 20th September, 1905.

*Offence.—Manslaughter (indicted for murder, and found not guilty of murder, but guilty of manslaughter).

*Sentence.—Six years' light labour, Bathurst Gaol (amended by Full Court to six years' penal servitude).

Acting Judge.—Fitzhardinge.

Recommendation or Remarks.—Jury recommended prisoner to mercy on account of old age. Convicted with William John Hanlon.

Due for discharge on 17th January, 1911.

Eligible for 13s. 6d. gratuity to date, less 9s. 4d. to be deducted, being value of blanket destroyed by prisoner.

Eligible for *nil* bonus, &c., &c., to date.

Previous Convictions.

Where.	When.	Offence.	Sentence.
Newtown P.C.	3 Nov., 1894 ...	Breach of "Children Protection Act" ...	£5 10s., or one month cells.
Sydney G.D.	5 Dec., 1894 ...	Failing to furnish and forward a record to the Registrar of the birth of a child in a lying-in home of which they were in charge; two charges.	One year hard labour on each charge, concurrent, and to pay fine of £100 on each charge; fines cumulative; convicted with Thomas Jackson on each charge.

* Points were reserved; conviction quashed by Full Court, and prisoner discharged from gaol 14th November, 1905; Crown appealed, and decision of Full Court reversed by High Court, and conviction affirmed; prisoner rearrested and lodged in gaol, 21st April, 1906; at liberty five months seven days.

Prison History.

Present Position.

Class 1 ; Division C ; Ration No., hospital diet and extras ; indulgence No. 4 ; employed at knitting (discharged to work, 5/5/08).

In the Gaol at—	Dates showing each period of Remand, Trial, and Sentence.		Remand, Trial, or Sentence.	Number of Days.	Marks.	
	From—	To—			Orderly.	—
Darlinghurst.....	20 Sept., 1905	14 Nov., 1905	Sentence ...	56	Not under marks.	Placed under observation at Bathurst, 6th July, 1906. Transferred to Darlinghurst for observation, 27th July, 1906. Certified insane, 30th July, 1906, and warrant issued under sec. 68, Lunacy Act of 1898, for removal to Hospital for Criminal Insane. This warrant was cancelled 12th September, 1906, as prisoner had recovered her reason before transfer could take place. Returned to Bathurst Gaol, 6th September, 1906.
At liberty	15 Nov., 1905	20 April, 1906	At liberty...	156		
Darlinghurst.....	21 April, 1906	29 May, 1906	Sentence ...	39		
Bathurst.....	30 May, 1906	27 July, 1906	"	59		
Darlinghurst.....	28 July, 1906	6 Sept., 1906	"	41		
Bathurst.....	7 Sept., 1906	21 May, 1908	"	623		
				974		
			Less at liberty	156		
			Totals...	818		

Punishments.

Where.	When.	Offence.	Punishment.	No. of days loss from remission.
Bathurst	5 July, 1906	Creating a disturbance in D wing	Charge withdrawn ; no D.M. Prisoner placed under medical observation 6th July, 1906.	nil.
"	14 Sept., 1906	Continuous disorderly conduct ...	24 hours' cells	3
"	27 Sept., 1906	Destroying a blanket, value 9s. 4d.	3 days' cells, and to pay 9s. 4d., value of blanket.	9
"	14 Dec., 1906	Continuous disorderly conduct ; assaulting her warder (Miss Lovel).	4 days' cells.....	12
"	8 Feb., 1907	Creating a disturbance on night of 3rd February, 1908.	Cautioned ; no D.M.....	nil.

General Conduct in Darlinghurst Gaol—Good.

" Bathurst Gaol—Violent and noisy.

" Darlinghurst Gaol—Good.

" Bathurst Gaol—Good latterly.

Dates eligible by sentence to enter—

"A" Division, 2nd stage, 20th September to 14th November, 1905 ; 21st April to 24th August, 1906 (six months "A" Division).

"B" Division, 25th August, 1906.

"C" Division, 3rd May, 1908.

Liberty Class, 10th December, 1910.

Date actually entered by reason of misconduct, &c.—"C" Division, 11th May, 1908 ; Liberty Class, 3rd January, 1911.

Date entered separate—Exempt separate, C.G.P., 05-11,248, 19/10/05.

If previously aided by the Association for Assisting Discharged Prisoners—No.

D. J. D'ARCY,

Bathurst Gaol, 21st May, 1908.

Officer-in-Charge.

E. M. Clark, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Dear Mr. Wade,

26 May, 1908.

I am very much interested in the case of Margaret Jackson, who I find that, with her family, I have known from early boyhood. I know you have been interviewed from many quarters in her favour, and that you have not seen your way clear to recommend any reduction of her sentence. She is a woman to my knowledge fully 65 years of age, and her people say that her health is not the best. Would you see her brother, with myself and Messrs. O'Sullivan and Holman, when it is hoped that such facts will be placed before you to suggest to you a more favourable consideration of her case. Trusting to receive an early and favourable reply,

Yours, &c.,

E. M. CLARK.

Submitted in connection with letter herewith, presented by Mr. O'Sullivan, and reports furnished with regard to the allegation that prisoner was being harshly and cruelly treated. The Comptroller-General of Prisons is satisfied that prisoner is receiving proper treatment, and regards the matter as an attempt to have her removed to Darlinghurst Gaol. The Visiting Surgeon's report shows that prisoner was suffering from an attack of English cholera from the 19th ultimo, but that she was discharged quite convalescent on the 5th instant. In this communication Mr. Clark asks for an interview with the Minister, accompanied by Messrs. O'Sullivan and Holman and the prisoner's brother.—J. L. WILLIAMS, Under Secretary, 28/5/08.

I have given this case special attention from the beginning, in view of representation made. I am satisfied that her health is not suffering, and see no ground for recommending any remission. If Mr. Clark still wishes to see me, fix 10th June at 12-30. I cannot see the prisoner's brother.—C.G.W., 29/5/08. Mr. Clark, 3/6/08.

The

The Under Secretary, Department of the Attorney-General and of Justice, to E. M. Clark, Esq., M.L.A.

Sir,

3 June, 1908.

I have the honor to inform you that the Premier, Attorney-General, and Minister of Justice has had under notice your letter of the 26th ultimo, in which you ask for an interview to enable you, accompanied by Messrs. E. W. O'Sullivan and W. A. Holman, M's.L.A., and the prisoner's brother, to urge reconsideration of the case of Prisoner Margaret Jackson.

In reply, I am directed by the Premier to state that he has given this case special attention from the beginning, in view of representations which have been made. He is satisfied that her health is not suffering, and he sees no ground for recommending that any portion of the prisoner's sentence should be remitted.

I am to add, however, that if you still wish to interview the Premier, he will be prepared to see you at 12-30 p.m. on the 10th instant, but that he cannot see the prisoner's brother.

I have, &c.,

J. L. WILLIAMS,

Under Secretary.

Subject: Respecting the case of Prisoner Margaret Jackson. (Offence—Manslaughter. Sentence—Six years' penal servitude.)

Department of the Attorney-General and of Justice, 16 June, 1908.

SUBMITTED. Unless the Premier has any further directions to give, Mr. O'Sullivan might now be informed (in reply to his communication of last month) of the Premier's decision of the 29th ultimo, and further that inquiries made show that the allegations as to the prisoner's treatment in gaol are groundless.

J. L. WILLIAMS,

Under Secretary.

Approved.—C.G.W., 16/6/08. Mr. O'Sullivan, 18/6/08. For the information of the Comptroller, General of Prisons. Papers belonging to the Prisons Department to be retained.—H.F.M. (for U.S.), B.C., 18/6/08. Noted and returned.—F.W.N., C.-G.P., 19/6/08. Returned, 23/6/08. Put by.—C.D.R., 23/6/08. The Under Secretary, Dept. of Attorney-General.

The Under Secretary, Department of the Attorney-General and of Justice, to The Hon. E. W. O'Sullivan, M.L.A.

Sir,

18 June, 1908.

I have the honor to inform you that the Premier, Attorney-General, and Minister of Justice has had under notice the letter presented by you from Mr. F. S. Farnell, of 228, Crown-street, Darlinghurst, in which it is alleged that Prisoner Margaret Jackson is in a very serious state of health, and that she is being harshly treated in Bathurst Gaol.

In reply, I am instructed by the Premier to state that he has given this case special attention from the beginning, in view of representations which have been made. He is satisfied that the prisoner's health is not suffering, and he sees no ground for recommending that any portion of her sentence should be remitted.

I am to add that inquiries which have been made show that the allegations as to the prisoner's treatment in gaol are groundless.

I have, &c.,

Under Secretary.

No 23.

Official Memorandum.

MR. O'SULLIVAN, M.L.A., asks if he may be granted an interview with the Premier *re* the case of a Mrs. Jackson, at present serving a sentence of imprisonment. He wishes, I understand, to bring forward matters in favour of a remission of sentence.—E.B.H., 15/10/08. The Under Secretary.

Urgent. Are there any papers?—J.L.W. Mr. O'Reilly, 15/10/08. Papers in Margaret Jackson's case herewith.—W.C.O'R., 16/10/08. The Under Secretary. Submitted.—J.L.W., 16/10/08. Friday, 23rd, 10 a.m.—C.G.W., 16/10/08. Hon. E. W. O'Sullivan, 17/10/08.

The Under Secretary, Department of the Attorney-General and of Justice, to The Hon. E. W. O'Sullivan, M.L.A.

Sir,

17 October, 1908.

Referring to your request for an interview with the Premier, Attorney-General, and Minister of Justice, with regard to the case of Prisoner Margaret Jackson, at present undergoing imprisonment for manslaughter, I am directed to inform you that Mr. Wade will be prepared to see you at 10 a.m. on Friday, 23rd instant.

I have, &c.,

Under Secretary.

No. 24.

J. C. L. Fitzpatrick, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Dear Sir,

20 October, 1908.

I have been requested to ask your consideration of the contents of the enclosed statement, and do so without comment.

I have, &c.,

J. C. L. FITZPATRICK.

[Enclosure.]

[Enclosure.]

MARGARET JACKSON was sentenced to six years hard labour early in September, 1905. Certain points were reserved by her lawyer, J. W. Abigail, which duly came before the Full Court, and, after argument, she was released from gaol. The Judges were, Justice Owen, Justice Cohen, and Justice Pring.

Mr. Wade, who was then Attorney-General, appealed to the High Court, as he said, on the question of taking depositions. He caused to be printed in the *Evening News*, in answer to a question from a reporter of that paper, that she would never go back, her release was unconditional, and all he wanted was to settle the law in reference to dying depositions.

The conviction was confirmed in the High Court, and no order was made in reference to prisoners.

Two men from Randwick police, a week after her case was finished, went to her house and said she was wanted at Darlinghurst in reference to the Crown costs in the High Court, which amounted to £50. She was got there by trick. She has now served over three years of that sentence.

Submitted. The Premier has decided to see the Hon. E. W. O'Sullivan on Friday (to-morrow) at 10 a.m. with regard to this prisoner's case.—J. L. WILLIAMS, Under Secretary, 22/10/08. Mr. O'Sullivan called. Informed that I cannot make any recommendation.—C.G.W., 24/10/08. Mr. Fitzpatrick, 26/10/08. Mr. O'Sullivan, 28/10/08. The Comptroller General of Prisons, for his information.—H.F.M., for Under Secretary, B.C., 29/10/08.

The Under Secretary, Department of the Attorney-General and of Justice, to
J. C. L. Fitzpatrick, Esq., M.L.A.

Sir,

26 October, 1908.

I have the honor to inform you that the Premier, Attorney-General, and Minister of Justice has had under notice your letter of the 20th instant, forwarding a statement respecting the case of Prisoner Margaret Jackson, now serving a sentence in Bathurst Gaol for manslaughter.

In reply, I am instructed to state that the Premier has carefully considered the representations made, but is unable to make any recommendation in the prisoner's favour to His Excellency the Governor.

I have, &c.,

Under Secretary.

The Under Secretary, Department of the Attorney-General and of Justice, to
The Hon. E. W. O'Sullivan, M.L.A.

Sir,

28 October, 1908.

Adverting to your interview at this Department with regard to the case of Prisoner Margaret Jackson, now undergoing imprisonment in Bathurst Gaol for manslaughter, I am directed to inform you that the Premier, Attorney-General, and Minister of Justice has carefully considered the further representations made by you, but is unable to make any recommendation in the prisoner's favour to His Excellency the Governor.

I have, &c.,

Under Secretary.

Subject:—Refusing remission to Prisoner Margaret Jackson.

Decision noted and papers returned.—S.McC. (for C.G.P.), 30/10/08. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 30/9/08. File.—B.H.S., 3/11/08.

No. 25.

Extract from "Hansard."

Case of Prisoner Margaret Jackson.

MR. FITZPATRICK: He desired to refer to another matter. Some time ago he brought under the notice of the Premier the case of a Mrs. Margaret Jackson, who was at present serving a sentence for a crime of which she was convicted. He would not attempt to prove that she was guiltless, or that there was any ground for a lighter sentence than she received. She was found guilty by a jury of manslaughter. In consequence of some flaw or informality, the decision of the jury was upset. An appeal was made at the instance of the Attorney-General, and Mrs. Jackson was in the meantime released. The following extract from the *Evening News*, published at the time, explained the position:—

"When the conviction was quashed, the prisoner was released from gaol, leave to appeal having been granted. The Attorney-General was asked this morning what Mrs. Jackson's position would be in the event of the decision in the Full Court being reversed by the High Court—would she be recommitted to prison, or would she in the meantime be called upon to enter into a bond for reappearances if required?"

That was an inquiry put by the reporter of the *Evening News*.

"No," said Mr. Wade, "she would never come back again, and her release is unconditional. The only question involved in the appeal," the Attorney-General added, "is the question of having the law on that point declared."

The law on the point was declared, but Mrs. Jackson was rearrested and sent to gaol. She was a woman of between 60 and 70 years of age. In regard to her crime he had not a single word to say in justification or defence, but after a legal point was settled she was rearrested and put into gaol, and she was serving her sentence. In view of the statement by the Attorney-General to which he had just referred, considering the age of the woman, and all the facts associated with the case, he thought it was an occasion for the exhibition of a certain amount of clemency, and he brought the matter under the notice of the Premier, hoping that at this period of the year the hon. gentleman would extend some little consideration to this woman.

No.

No. 26.

J. C. L. Fitzpatrick, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Sir,

18 December, 1908.

I have to forward herewith petition *in re* case of Mrs. Jackson, and to ask for its contents your first consideration. I dealt with the matter during the passage of your Estimates, pointing out reasons for the exercise of clemency towards the woman named; and in view of all the surrounding circumstances, I have now to ask that the course suggested in the petition, signed by a number of members of our House, be adopted.

I have, &c.,

J. C. L. FITZPATRICK.

To His Excellency Sir Harry Holdsworth Rawson, Admiral in the Royal Navy, Grand Cross of the Most Distinguished Order of the Bath, Governor of the State of New South Wales and its dependencies in the Commonwealth.

The Petition of the undersigned residents of the city and suburbs of Sydney—

Humbly sheweth:—

1. That Margaret Jackson, then of St. Peters, near Sydney, in this State, now a confine in His Majesty's Gaol at Bathurst, was on the twentieth day of September, one thousand nine hundred and five, convicted after trial before His Honor Mr. Acting-Justice Fitzhardinge, at the Central Criminal Court, Sydney, on the charge of manslaughter, on an indictment charging her with the murder of a married woman named Sidney Gertrude Hanlon, and that the jury added a recommendation to mercy on account of her age, and that the Judge thereupon sentenced the accused to six years' imprisonment with light labour in Bathurst Gaol.

2. That at the request of the accused's counsel the Judge reserved points of law for the consideration of the Full Court; that those points were embodied in a case presented to the Full Court as prescribed by law; that on the argument of the said case the Full Court, on the fourteenth November, one thousand nine hundred and five, upheld the said points and quashed the conviction of the said accused.

3. That the accused, the said Margaret Jackson, was thereupon released from imprisonment and set at liberty.

4. That the Crown Law authorities of this State, being dissatisfied with the judgment of the Full Court, obtained the necessary leave and afterwards appealed against the said judgment to the High Court of Australia, by which tribunal the said appeal was upheld and the said judgment reversed on the twelfth April, one thousand nine hundred and six.

5. That the accused, the said Margaret Jackson, was thereupon arrested and remitted to her former custody. That afterwards, on the tenth May following, the said sentence was brought up before the Supreme Court on writ of error, and amended to six years' penal servitude instead of six years' imprisonment. That the said Margaret Jackson has since served and is now serving the said amended sentence of six years' penal servitude. That of such sentence the said Margaret Jackson has now served years and months.

6. That the case of the said Margaret Jackson furnishes the first on record in this State in which the quashing of a conviction has been reversed by a higher court of appellate jurisdiction; and that there is no precedent in the State for the rearrest and recommitment to prison of an accused who had been once either acquitted by a jury or set at liberty by the quashing of a conviction.

7. That the position was felt to be so unique at the time the judgment of the High Court was given that representations were made to the Honorable the Attorney-General on the matter. That the Honorable the Attorney-General, when interviewed on the matter in November, one thousand nine hundred and five, very candidly stated that the object of the Crown Law authorities in appealing to the High Court was to have the law on the point on which the conviction was quashed declared and settled, and that on being questioned as to the effect which the High Court's decision, if favourable to the Crown, would have upon the sentence, the Honorable the Attorney-General stated that the accused would not be recommitted to prison, her release being unconditional.

8. That the said Margaret Jackson is sixty-three years of age and is a widow; that she has borne and reared a family of ten children; that she is now in delicate health, and that her health is impaired and her progress towards recovery retarded by her incarceration and by the mental worry consequent upon a long confinement in prison.

Your petitioners, therefore, humbly pray, that having regard to the age and other personal circumstances set out in their petition; to the fact that the accused had been once released from imprisonment on the order of a Court of high appellate jurisdiction; that the recommitment of the accused to prison on the reversal of such order by a higher tribunal constituted the first precedent in the State; that the admitted object of the appeal to the High Court was not to insist on the accused's expiation of her offence, but to declare and settle the law on a difficult point in criminal practice; that having served practically half of the said sentence the accused has substantially atoned for her offence, your Excellency will be pleased in the exercise of the Royal prerogative of mercy to grant the said Margaret Jackson a license in terms of section 463 of the Crimes Act, 1900.

And your petitioners as in duty bound will ever pray, &c.,

Granville Rytic, M.L.A., Parliament House,
Chas. H. Barton, M.L.A., Parliament House,
J. C. L. Fitzpatrick, M.L.A., Molong,
J. Fallick, M.L.A., Singleton,
F. W. A. Downs, M.L.A., Camden,
John Nobbs, M.L.A., Granville,
Ernest C. V. Broughton, M.L.A., King,
F. J. Thomas, M.L.A., Gough,

R. T. Ball, M.L.A., Corowa,
Varney Parkes, M.L.A., Canterbury,
Robert Jones, M.L.A., Mudgee,
M. F. Morton, M.L.A., Parliament House,
J. C. Meehan, M.L.A., Parliament House,
Geo. S. Beeby, M.L.A., Blayney,
W. A. Holman, M.L.A., Cootamundra,
John McNeill, M.L.A., Pyrmont.

Resubmit when the Premier returns to Sydney.—J.L.W., 22/12/08.

Resubmitted. The attached petition is signed by sixteen members of the Legislative Assembly. Extract from "Hansard" of the 9th ultimo is attached. The case of this prisoner was dealt with by the Premier on the 24th October last. Prisoner has now served two years ten months and sixteen days of her sentence of six years' penal servitude.—J. L. WILLIAMS, Under Secretary, 9/1/09.

No recommendation.—C.G.W., 13/1/09.

† 86552 282—D

Subject:—

Subject:—Petition for the release on license of Prisoner Margaret Jackson. Offence—Manslaughter. Sentence—Six years' penal servitude. (Mr. Fitzpatrick, M.L.A.)

Department of the Attorney-General and of Justice, Sydney, 13 January, 1909.
His Excellency the Governor,—I am unable to make any recommendation in favour of this prisoner.

C. G. WADE.

Refused.—HARRY H. RAWSON, 15/1/09. Returned, 16/1/09. Comptroller-General of Prisons.—Mr. J. C. L. Fitzpatrick, M.L.A., 18/1/09. Noted and returned.—S McC (for C.G.P.), 19/1/09. The Under Secretary, Department of the Attorney-General and of Justice. Put by.—C.W.R., 15/1/09.

The Under Secretary, Department of the Attorney-General and of Justice,
to J. C. L. Fitzpatrick, Esq., M.L.A.

Sir,

Department of the Attorney-General and of Justice, Sydney, 18 January, 1909.
Referring to your letter of the 18th ultimo, forwarding a petition for the release, on license, of Prisoner Margaret Jackson, I am directed by the Premier, Attorney-General, and Minister of Justice, to inform you that His Excellency the Governor has not seen fit to approve of the release of the prisoner.

I have, &c.,

J. L. WILLIAMS,

Under Secretary,

(per G.W.)

No. 27.

John Norton, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Dear Sir,

August, 2, 1909.

Will you permit me to remind you of the case of the woman Jackson, which you were good enough to promise to consider. I am aware of the serious nature of the offence of which Jackson was convicted; but she is now an old woman, whom you may, perhaps, regard as a fit subject for the exercise of the clemency of the Crown, especially as she has now, as I am given to understand, served the greater portion of her severe sentence. You may also possibly consider the circumstances attending her trial and conviction (with which you are acquainted) as affording some ground for the exercise of the prerogative of mercy in her case.

Yours, &c.,

JOHN NORTON.

The Comptroller-General of Prisons for favour of prison particulars to date. A report might also be obtained from the Visiting Surgeon to the gaol in which the prisoner is confined as to—(1) The present state of her health; (2) whether her health has been prejudicially affected whilst in gaol; and (3) whether her health is likely to suffer if she be required to complete her sentence.—J. L. WILLIAMS, Under Secretary (per G.W.), B.C., 12/8/09.

The prisoner has been transferred to Darlinghurst, *en route* to the State Reformatory. Wire to Bathurst for medical report *re* No. 2. Governor, Darlinghurst, for full reports on remaining points, and also for particulars.—F.W.N., 13/8/09. Governor, Darlinghurst Gaol.

Telegram, Bathurst, 13/8/09. The Visiting Surgeon, Dr. Palmer, for favour of report as regards Nos. 1 and 3.—ARTHUR H. COLLIS, Governor, Darlinghurst Gaol, 14/8/09.

Report from the Visiting Surgeon herewith, from which it will be seen that prisoner's present state of health is good, and that it is not likely to be prejudicially affected by her remaining in gaol until termination of her sentence. Prison particulars also forwarded.—ARTHUR H. COLLIS, Governor, Darlinghurst Gaol, 15/8/09. The Comptroller-General of Prisons.

I have brought the female prisoner to Darlinghurst, *en route* to the State Reformatory, and I attach medical reports from the Visiting Surgeon, Bathurst, who has had her under observation for a long time; and also from the Visiting Surgeon, Darlinghurst, who now reports as to the present condition of her health. Particulars attached.—F.W.N., Comptroller-General, 16/8/09. The Under Secretary, Dept. of the Attorney-General and of Justice. Returned, 17/8/09.

The Comptroller-General of Prisons to The Governor, Bathurst Gaol.

Sydney, 20 January, 1909.

FORWARD medical report, stating whether health of Prisoner Margaret Jackson has been prejudicially effected whilst in gaol.

NEITENSTEIN.

The Visiting Surgeon for favour of report.—D. J. D'ARCY, Governor, Bathurst Gaol, 14/8/09. Please find report of Visiting Surgeon attached hereto.—D. J. D'ARCY, Governor, Bathurst Gaol, 14/8/09. The Comptroller-General of Prisons.

The Visiting Surgeon, Bathurst Gaol, to The Governor, Bathurst Gaol.

H.M. Gaol, Bathurst, 14 August, 1909.

WITH reference to Margaret Jackson, until recently an inmate of the Bathurst Gaol, I have the honor to report that—

This prisoner came under my observation comparatively frequently—always for trivial ailments.

Her health was on the whole very fairly good.

Her health was not, in my opinion, prejudicially affected by her detention.

W. RICHARD BASSETT,

Visiting Surgeon.

Forwarded.—D. J. D'ARCY, Governor, Bathurst Gaol, 14/8/09. The Comptroller-General of Prisons.

The

The Visiting Surgeon, Darlinghurst Gaol, to The Governor Darlinghurst Gaol.

Sir,

H.M. Gaol, Darlinghurst, 15 August, 1909.

I have the honor to report, in answer to the questions submitted to me concerning Margaret Jackson:—

- (1) The present state of her health, except for a slight cold, is good.
- (2) I do not think that her health has been prejudicially affected whilst in gaol—at any rate not to any marked extent.
- (3) I see no reason to suppose that her health is likely to suffer if she be required to complete her sentence.

I am, &c.,

ARTHUR PALMER,
Visiting Surgeon.

PARTICULARS of Conviction and Prison History of Margaret Jackson, a prisoner in Darlinghurst Gaol.

Name of Prisoner.—Margaret Jackson.

Born.—Ireland; 19th December, 1848.

Convicted.—Sydney Gaol Delivery, 20 September, 1905.

Offence.—Manslaughter.

Sentence.—Six years penal servitude, Bathurst Gaol.

Judge.—Acting-Judge Fitzhardinge.

Recommendation or remarks.—Recommended to mercy on account of old age. Points were reserved. Conviction quashed by Full Court and prisoner discharged, 14th November, 1905.

Decision of Full Court reversed by High Court and conviction affirmed and prisoner rearrested and lodged in gaol, 21st April, 1906.

Due for discharge on 17th January, 1911.

Eligible for 22s. 2d. gratuity to date.

Eligible for *nil* bonus, &c., &c., to date.

Convicted with William John Hanlon.

Previous Convictions.

Where.	When.	Offence.	Sentence.
Nowtown P.C.	2 Nov., 1894.....	Breach of the Children's Protection Act	£5 10s. or one month cells.
Sydney G.D.	5 Dec., 1894.....	Breach of the Children's Protection Act, two charges.	One year hard labour on each charge concurrent, and to pay a fine of £100 in each case.

Prison History.

Present Position.

Class, 1st; Division, C; Ration, No. 3; Indulgence No. 4; employed as yardswoman.

In Gaol at—	Dates showing each period of Remand, Trial, and Sentence.		Remand, Trial, or Sentence.	Number of Days.
	From—	To—		
Darlinghurst	20 Sept., 1905	14 Nov., 1905	Sentence	56
"	21 April, 1906	29 May, 1906	"	39
Bathurst	30 May, 1906	27 July, 1906	"	59
Darlinghurst	28 July, 1906	6 Sept., 1906	"	41
Bathurst	7 Sept., 1906	4 Aug., 1909	"	1,055
Darlinghurst	5 Aug., 1909	16 Aug., 1909	"	12
Totals				1,270

Prisoner at liberty from 14th November, 1905 to 21st April, 1906.

Punishments.

Where.	When.	Offence.	Punishment.	No. of days loss from remission.
Bathurst.....	14 Sept., 1906	Continuous disorderly conduct ..	24 hours cells	3
"	27 Sept., 1906	Destroy Government property ..	3 days cells and pay 9s. 4d. damage from gratuity.	9
"	14 Dec., 1906	Continuous disorderly conduct; assault female warder.	4 days cells.	12

General Conduct in Darlinghurst and Bathurst Gaols.—Good.

" Darlinghurst Gaol.—Good.

" Bathurst Gaol.—Good, with exceptions.

" Darlinghurst Gaol.—Good.

Dates eligible by sentence to enter—

"A" Division, 1st stage, 20th September, 14th November, 1905, and 21st April, 1906.

"B" Division, 25th August, 1906.

"C" Division, 3rd May, 1908.

Liberty Class, 17th December, 1910.

Date entered separate, exempt. } Exempt.
Date completed separate, exempt. }

If previously aided by the Association for Assisting Discharged Prisoners.—No.

ARTHUR H. COLLIS,

Darlinghurst Gaol, 16th August, 1909.

Officer-in-Charge.
Application

Application of Mr. John Norton, M.L.A., for the release of Prisoner Margaret Jackson.

18 August, 1909.

SUBMIT papers for the consideration of the Premier upon his return to Sydney.

G.W. (for U.S.)

Premier's Decision.

25 August, 1909.

Subject:—Request of Mr. John Norton, M.L.A., for reconsideration of the case of Prisoner Margaret Jackson. (Offence—Manslaughter. Sentence—Six years penal servitude.)

Department of the Attorney-General and of Justice, Sydney, 24 August, 1909.

SUBMITTED. With reference to the decision of His Excellency the Governor, dated 15th January last, and to the Premier's minutes of 29th May, 1908, and 24th October, 1908, respectively, on papers herewith.

Prison particulars to date, and also reports from the Visiting Surgeons to Bathurst and Darlinghurst Gaols are herewith. The Surgeons report that prisoner's health is good, and that it has not been prejudicially affected by imprisonment. Dr. Palmer sees no reason to suppose that it is likely to suffer if prisoner be required to complete her sentence.

Prisoner has now served a little more than three and a half years of her sentence of six years.

J. L. WILLIAMS,

Under Secretary.

No recommendation.—C.G.W., 25/8/09. Mr. J. Norton, M.L.A., 26/8/09. The Comptroller-General of Prisons for information.—D.R.J. (for U.S.), B.C., 26/8/09. Decision noted and papers returned.—F.W.N., Comptroller-General, 28/8/09. The Under Secretary, Department of Attorney-General and of Justice.

The Under Secretary, Department of the Attorney-General and of Justice, to John Norton, Esq., M.L.A.

Sir,

26 August, 1909.

With reference to your letter of the 2nd instant, asking for reconsideration of the case of Prisoner Margaret Jackson, now serving a sentence in Darlinghurst Gaol for manslaughter, I am directed by the Premier, Attorney-General, and Minister of Justice, to inform you that he has again carefully considered this case, but is unable to recommend to His Excellency the Governor that any portion of the prisoner's sentence be remitted.

I have, &c.,

Under Secretary.

J. C. L. Fitzpatrick, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Sir,

22 July, 1909.

Re case of Mrs. Jackson: Last year I presented a petition in favour of her release; and in reply I received a communication from your Department, a copy of which I would like to have at earliest possible opportunity.

I have, &c.,

J. C. L. FITZPATRICK.

Forward copy of letter to Mr. Fitzpatrick, as desired.—G.W. (for Under Secretary), 24/7/09. Mr. Fitzpatrick (with copy), 26/7/09. Filed.—E.H.S., 27/6/09.

The Under Secretary, Department of the Attorney-General and Justice, to J. C. L. Fitzpatrick, Esquire, M.L.A.

Sir,

Department of the Attorney-General and of Justice, 26 July, 1909.

In compliance with the request contained in your letter of the 22nd instant, I have the honor to forward to you the attached copy of communication addressed to you by this Department on the 18th January last, respecting the petition presented by you for the release on license of Prisoner Margaret Jackson.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(per G.W.)

No. 28.

E. M. Clark, Esq., M.L.A., to The Under Secretary, Department of the Attorney-General and of Justice.

Sir,

Parliament House, Sydney, 9 September, 1910.

Some two years ago I made representations for the release of a prisoner, Margaret Jackson, from Bathurst Gaol, which was not acceded to. As since that time her brother has died, and I understand her term of imprisonment is within a short time of completion, may I respectfully ask that the Hon. Attorney-General will be pleased to recommend to His Excellency the Governor the remission of the remainder of the sentence.

I am, &c.,

EDWARD M. CLARK.

The Comptroller-General of Prisons, for favour of prison particulars to date and press reports of the trial, together with a medical report as to the present state of the prisoner's health.—J. L. WILLIAMS, Under Secretary, (per G. W.), B.C., 12/9/10. Please obtain reports from Visiting Surgeon.—W.M.M., (C.G.P.), 12/9/10. The Officer-in-Charge, State Reformatory,—Kindly send newspaper report, also report from the Visiting Surgeon herewith, also newspaper report of trial.—W. URQUHART, Officer-in-Charge, 13/9/10.

The Comptroller-General of Prisons.

Subject:—

Subject :—E. M. Clark, M.L.A., asking that question of releasing Prisoner Margaret Jackson may be reconsidered.

15 September, 1910.

HEREWITH please find usual particulars, newspaper report of the trial, and report of the Visiting Surgeon in the case of Prisoner Margaret Jackson, as requested in your minute of the 12th instant.

SAMUEL McCAULEY,
Deputy Comptroller of Prisons,
(for Comptroller-General).

The Visiting Surgeon, State Reformatory for Women, to the Governor, State Reformatory for Women.

Re Margaret Jackson.

State Reformatory for Women, Long Bay, 13 September, 1910.

I HAVE had this prisoner frequently under my notice since her admission here, but for trivial ailments only. In my opinion, her health has not suffered by reason of her imprisonment, nor do I see any reason to expect that it will.

Her present state of health is good, except for some occasional ulceration of the gums, due to an ill-fitting dental plate.

R. J. MILLARD,
Visiting Surgeon.

Forwarded papers, 10-12,205.—W. URQUHART, 13/9/10. The Comptroller-General of Prisons.

PARTICULARS respecting Prisoner Margaret Jackson, now confined in the State Reformatory for Women.

Conviction.—Sydney Gaol Delivery, 20th September, 1905.

Offence.—Manslaughter.

Sentence.—Six years' light labour, Bathurst Gaol. (Sentence amended by Full Court to one of six years' penal servitude.)

Judge.—His Honor Judge Fitzhardinge.

Where born.—Ireland; 19th December, 1848.

Recommendation of Judge and Remarks.—Recommended to mercy by the jury on account of old age. Convicted with William John Hanlon (discharged by ordinary remission, 8th August, 1907).

Conduct and industry in Gaol.—Good, with following exceptions, viz., 14th September, 1906, continued disorderly conduct, twenty-four hours cells; 27th September, 1906, destroyed blankets, three days cells, and to pay 9s. 4d. damage from gratuity; 14th December, 1906, continuous disorderly conduct and assault female warder, four days cells; 7th March, 1910, assault fellow prisoner, twenty-four hours cells.

Maximum remission for industry and good conduct.—1 year 2 months and 10 days.

Loss of remission at date of these particulars.—Twenty-seven days, and two days while undergoing cellular punishment, during which period remission is not earnable.

Due for discharge.—8th March, 1911, on license, in terms of Prisons Regulation 75.

Previous Convictions.

Court.	Date.	Offence.	Sentence.
Newtown P.C.	3 Nov., 1894 ...	Breach of Children's Protection Act	£5 10s., or one month imprisonment.
Sydney G.D.	5 Dec., 1894 ...	Failing to furnish and forward a record to Registrar of the birth of a child in lying-in-home, of which she was in charge; two charges.	One year hard labour on each charge, concurrent, and to pay a fine of £100 in each case.

NOTE.—Points were reserved. The conviction was quashed by the Full Court, and prisoner discharged, 14th November, 1905. Decision of Full Court reversed by the High Court, conviction affirmed, and the prisoner rearrested and lodged in gaol on 21st April, 1905.

SAM'L. McCAULEY,
Deputy Comptroller of Prisons,
(for Comptroller-General of Prisons).

15th September, 1910.

Subject :—Further Application for the Release of Prisoner Margaret Jackson. (Offence—Manslaughter. Sentence—Six years penal servitude.) (Mr. E. M. Clark.)

Department of the Attorney-General and of Justice, Sydney 28 September, 1910.

SUBMITTED. Prison particulars to date, press reports of the Court proceedings, and previous papers in the case are herewith. A *précis* showing the circumstances under which the prisoner was convicted and the action taken on previous requests for release is attached for the Minister's information.

The prisoner, who is now 61 years and 9 months old, has been in gaol for almost four years and seven months. If her conduct and industry in the future be good, she will earn a remission of nearly fourteen and a half months, and become due for release on license on 8th March, 1911.

It appears from the medical report that Mrs. Jackson's health has not suffered by her imprisonment and is not likely to be seriously affected by further detention.

J. L. WILLIAMS,
Under Secretary.

No recommendation.—J.G., 29/9/10.

Previous

Previous action taken in the case of Prisoner Margaret Jackson. (Offence—Manslaughter.
Sentence—Six years' penal servitude.)

28 September, 1910.

1. Prisoner was convicted at the Central Criminal Court, on 20th September, 1905, of the manslaughter of Gertrude Hanlon, and sentenced by Mr. Acting Justice Fitzhardinge to six years' light labour. The conviction was reversed, on 14th November, 1905, by the Full Court on the ground of the improper admission of the deceased's dying deposition in evidence, and the prisoner was liberated. Subsequently the Crown appealed to the High Court, which reversed the decision of the Full Court and reaffirmed the conviction on 12th April, 1906. Jackson was rearrested and lodged in gaol on 21st April, 1906. On 10th May following, the sentence was amended by the Full Court, on a Writ of Error, from six years' light labour to six years' penal servitude, the Court expressing the opinion that she should, in view of her age, be treated as if she had been sentenced to light labour.

2. On paper 1906-14,080, Mr. W. A. Holman, M.L.A., applied for the release of the prisoner, but the Premier minuted the papers, on 5th October, 1906, "Release cannot be recommended."

3. The Comptroller-General of Prisons, on 9th November, 1906, was requested to obtain reports, for the Premier's information as to the prisoner's health. The Visiting Surgeon to Bathurst Gaol reported that the prisoner had improved of late in health, that she was continuing to behave irrationally, but that in his (Dr. Bassett's) opinion she was malingering.

4. Early in the following year Mr. A. J. Kelly, M.L.A., presented a petition in which release was sought chiefly on the following grounds:—

- (a) The advanced age of the prisoner (she was then 58).
- (b) Mrs. Jackson's failing health.

A further medical report was therefore obtained from the gaol. The Acting Surgeon stated that Jackson was showing signs (real or assumed) of mental aberration, and that she had been suffering from insomnia, but that otherwise she was in good health. It was also mentioned that the Inspector-General of the Insane had formed the opinion, from his previous knowledge of the case, that the prisoner was a malingerer. On 14th February, 1907, a letter was received from Mrs. L. Benson, St. Peters, alleging that Mrs. Jackson was insane. In reply to a request for inquiry into the case, Dr. Sinclair reported that, as a result of investigation, he was of opinion that she was sane and her behaviour in gaol was not due to mental disease. This report was considered with the petition, and the Governor refused any remission (14th March, 1907).

5. A further request for release was made by Mr. F. S. Farnell, on behalf of the prisoner's brother and other members of her family, on 30th October, 1907, principally on the ground of her physical and mental suffering. This was refused by the Governor on the 9th October.

6. The late Mr. E. W. O'Sullivan presented another letter from Mr. Farnell, on 11th May, 1908, written at the instance of the prisoner's niece. Mr. Farnell said he had heard that Mrs. Jackson was in a very serious state of health, and that she was being treated in a very cruel manner by the authorities in Bathurst Gaol. Inquiry was made, and the Comptroller-General intimated that the prisoner had received proper treatment, and there was no truth in the allegations of cruelty. Prisoner had been suffering from English cholera, but had been discharged quite convalescent.

7. Mr. E. M. Clark, M.L.A., wrote on 27th May, 1908, asking the Premier to receive Mr. Holman, Mr. O'Sullivan, and himself, to urge favourable reconsideration of the case. He was informed in reply that the Premier had given special attention to this matter from the very beginning, that he was satisfied the prisoner's health was not suffering, and that he saw no reason to recommend reduction of the sentence. Mr. O'Sullivan was written to also in similar terms, and it was added that the allegations of Mr. Farnell of cruelty to the prisoner were groundless. Mr. O'Sullivan called on the Premier on 24th October, 1908, to again urge the reopening of the case, but the Premier again declined to entertain the request for remission. Mr. J. C. L. Fitzpatrick, M.L.A., who had forwarded a statement of the facts of the matter for consideration a few days earlier, was also apprised of Mr. Wade's decision.

8. Mr. Fitzpatrick presented a petition signed by sixteen Members of the Legislative Assembly on 19th December, 1908, in which reference was made to the circumstances of Mrs. Jackson's conviction, her release after the Full Court decision and subsequent rearrest, and her liberation was asked for. The Premier again declined to make any recommendation, and the Governor refused the prayer of the petition on 15th January, 1909.

9. The case was reopened by Mr. John Norton, M.L.A., on 10th August, 1909, prisoner having then served a little more than three-and-a-half years of her term of six years. The grounds on which favourable consideration was asked for were—(1) the prisoner's advanced age, (2) the period she had then served, and (3) the circumstances surrounding her conviction and sentence. A further medical report was asked for, and it was ascertained from the Gaol Surgeons—(4) that Mrs. Jackson's health was then good, that it had not been prejudicially affected by confinement, and that there was no reason to suppose that her health would suffer if she were required to complete her sentence. The Premier minuted the application, "No recommendation," on 25th August, 1909, and this decision was conveyed to Mr. Norton.

E.H.S.

Department of the Attorney-General and of Justice, 30 September, 1910.

His Excellency the Governor,—I am unable to make any recommendation in favour of prisoner Margaret Jackson, who is serving a sentence of six years' penal servitude for manslaughter.

JOHN GARLAND.

Refused.—CHELMSFORD, 4/10/10. Comptroller-General of Prisons. Mr. E. M. CLARK, 5/10/10. Decision noted; papers returned.—W. M. MACFARLANE, Comptroller-General of Prisons, 11/10/10. The Under Secretary, Department of the Attorney-General and of Justice, 12/10/10. Put by.—C.D.R., 12/10/10.

The

The Under Secretary, Department of the Attorney-General and of Justice, to The Comptroller-General of Prisons.

Sir, Department of the Attorney-General and of Justice, Sydney, 5 October, 1910.

Referring to the petition in favour of the prisoner named in the margin, praying for a mitigation of the sentence passed upon her, I am directed by the Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of the prisoner's sentence.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(per D.R.J.).

The Under Secretary, Department of the Attorney-General and of Justice, to E. M. Clark, Esq., M.L.A.

Sir, Department of the Attorney-General and of Justice, Sydney, 5 October, 1910.

Referring to your letter of the 9th ultimo, applying for the release of Margaret Jackson, now serving a sentence in the State Reformatory for Women, I am directed by the Minister of Justice to inform you that His Excellency the Governor has not seen fit to authorise the remission of any portion of the prisoner's sentence.

I have, &c.,

J. L. WILLIAMS,

Under Secretary

(per D.R.J.).

No. 29.

Minute of Comptroller-General of Prisons.

Subject: Question of remission of sentence in case of Margaret Jackson.

4 November, 1910.

PRISONER Margaret Jackson was convicted of manslaughter at the Sydney Gaol Delivery on 20th September, 1905, and was sentenced to six years' light labour. Upon appeal to the Full Court the conviction was quashed, 14th November, 1905, and the prisoner was discharged. On the 12th April, 1906, the High Court reversed the judgment of the Full Court, and affirmed the conviction, Jackson being received into Darlinghurst Gaol on the 21st idem. On the 10th May, 1906, the sentence was amended to six years' penal servitude, and the rule nisi discharged.

It will be observed that the prisoner served one month twenty-six days prior to the quashing of the conviction by the Full Court; and as the question of remission will shortly be considered, the Minister's direction is requested (as the case is unique, so far as this Department is concerned) upon the following points:—

- (1) Whether the prisoner should be recommended for remission upon periods 20th September, 1905, to 14th November, 1905, and from 21st April, 1906, as forming part of the whole term of her servitude.
- (2) Whether the whole sentence should only be considered as commencing on the date she was returned to gaol—viz, 21st April, 1906—without counting the time she had already served before her conviction was quashed; or
- (3) Whether the whole sentence should be regarded as taking effect from the date she was first received into gaol—viz, 20th September, 1905—without counting the period she was at liberty—viz, 15th November, 1905, to 20th April, 1906—owing to a favourable judgment of the Supreme Court.

W. M. MACFARLANE,

Comptroller-General.

The Under Secretary, Department of the Attorney-General and of Justice.

PARTICULARS respecting Prisoner Margaret Jackson, now confined in the State Reformatory for Women, Long Bay.

Conviction.—Sydney Gaol Delivery, 20th September, 1905.*

Offence.—Manslaughter.

Sentence.—Six years' (light labour) penal servitude.

Judge.—Mr. Acting Justice Fitzhardinge.

Where born.—Ireland; 19th December, 1848.

Recommendation of Judge.—Jury recommended to mercy on account of old age. Convicted with William John Hanlon.

Conduct and Industry in Gaol.—Troublesome; industry fair. July, 1906, creating a disturbance; September, 1906, disorderly conduct, destroying property; December, 1906, disorderly conduct, assault; March, 1910, assault.

Maximum remission for industry and good conduct.—One year two months twelve days (on full six years).

Loss of remission at date of these particulars.—Twenty-seven days' cells.

Due for discharge.—5th January, 1911 (counting servitude prior to 15th November, 1905).

Previous

* Conviction quashed by Full Court, 14th November, 1905; affirmed by High Court, 12th April, 1906; sentence altered to six years' penal servitude, 10th May, 1906; lodged in gaol, 21st April, 1906.

Previous Convictions.

Court.	Date.	Offence.	Sentence.
Newtown Police Court ..	3 Nov., 1894 ...	Breach of Children's Protection Act	£5 10s., or one month's cells.
Sydney Gaol Delivery.....	5 Dec., 1894 ...	Failing to furnish and forward a record to Registrar of the birth of a child in lying-in home of which she was in charge; two charges.	One year hard labour on each, or pay £100 on each charge; concurrent.

3rd November, 1910.

W. M. MACFARLANE,
Comptroller-General of Prisons.

Report regarding probable date of release of Prisoner Margaret Jackson.

Sir,

State Reformatory for Women, Long Bay, 27 October, 1910.

In connection with the application of Prisoner Margaret Jackson, six years' penal servitude, to be informed the date of her release, I have the honor to submit paper 06-1,254, from which it would appear that she served one month twenty-six days, afterwards was released by order of the Full Court; she was returned to prison on the 21st April, 1905, to serve the balance of her sentence, viz., four years seven months, twenty-two days. Consequently, she would be due for license on 12th December, 1910; but owing to punishments she lost twenty-seven days from remission, which would defer her release until 8th January, 1911.

I have, &c.,

W. URQUHART,

Officer-in-Charge.

The Comptroller-General.

STATE Reformatory for Women, Long Bay.

Margaret Jackson, six years' penal servitude. Date of sentence, 20 September, 1905. Released by Order of Court, 14th November, 1905; served 1 month 26 days; rearrested to serve balance of sentence, 21st April, 1906.

Sentence.—Six years.

Remission.—1 year 2 months 12 days.

To serve.—4 years 9 months 18 days.

	Yrs.	m.	d.
20th September, 1905, to 14th November 1905, served	0	1 26
15th November, 1905, to 20th April, 1906, omit
21st April, 1906, to 12 December, 1910, served	4	7 22
Total to serve	4	9 18

Due for license, 12th December, 1910.

Loss.—Bathurst, 14th September, 1900 ...	...	...	1 day.
„ 27th September, 1906 ...	...	...	3 „
„ 14th December, 1906 ...	...	...	4 „
Reformatory, 7th March, 1910 ...	...	...	1 „

9 days = 27 days.

License, counting losses, 8th January, 1911; drop 1 day, 7th January, 1911.

W.U

[Enclosure.]

The Governor, Darlinghurst Gaol to The Comptroller-General of Prisons.

Sir,

Darlinghurst Gaol, 24 April, 1906.

I have the honor to request instructions concerning the computation of sentence of Margaret Jackson, as her case is an unprecedented one. She was originally convicted on the 20th September, 1905, and having given notice of appeal, the conviction was quashed by the Full Court, and prisoner was released from custody on 14th November, 1905, having served one month twenty-six days. The Crown subsequently appealed to the High Court, and the latter affirmed the conviction, and reversed the decision of the Full Court. In consequence, Margaret Jackson was arrested and lodged in Darlinghurst Gaol on the 21st instant. She was thus out of gaol for a period of five months and seven days; but as she was debarred from serving that portion of the sentence by the action of the Full Court, I take it that this period will be calculated as portion of her sentence, but, as in the case of separate treatment, she will not be eligible for remission upon the period. The question of when she is due to be visited, and when due to write and receive letters, is involved in this matter also.

The transmission warrant issued after conviction was returned to Head Office for cancellation on 15th November, 1905; if it be intended to transfer her to Bathurst Gaol, as was formerly intended, it will be necessary to issue another warrant.

I have, &c.,

ARTHUR H. COLLIS,

Governor, Darlinghurst Gaol.

She was sentenced to six years on the 20th September, 1905. Of this she served one month twenty-six days up to the period of her release on the 14th November. She was again lodged in gaol on the 21st instant, and the balance of her sentence will commence to run on that day. The resultant computations may now be made.—F.W.N., 25/4/06. Governor, Darlinghurst Gaol.

Warrant issued, 25/4/06.

Subject:—

Subject :—Inquiry of the Comptroller-General as to the remission of sentence to be granted in the case of Prisoner Margaret Jackson. (Offence—Manslaughter. Sentence—Six years' penal servitude.)

Department of the Attorney-General and of Justice, Sydney, 18 November, 1910.

SUBMITTED.—*Précis* of the action taken in this case is attached to paper 1910-14,242 herewith.

Under the Prisons Regulation governing remissions (copy attached), the prisoner is entitled to a remission of one-fifth of the sentence of six years—less the loss incurred by misconduct in gaol.

I suggest that the prisoner be granted such remission upon the period actually served by her since her conviction on 20th September, 1905. This would answer in the affirmative the first question submitted by the Comptroller-General.

J. L. WILLIAMS,
Under Secretary.

I notice in the *Evening News* cutting of 28/11/05 that my predecessor is reported as declaring that the only purpose of the High Court appeal is to settle the law. Has the late Attorney-General accepted or denied this report at any point? If necessary, let some officer go through these papers and ascertain. I notice also letter from Mr. W. Blacket, stating that the High Court did not order the prisoner's rearrest. Does any confirmation or contradiction of this appear? Let me know at once.—W.A.H., 1/12/10.

[Published in Government Gazette No. 24 of 16th February, 1910.]

Department of the Attorney-General and of Justice, Sydney, 16 February, 1910.

His Excellency the Governor, with the advice of the Executive Council, has been pleased, under the provisions of the Prisons Act, 1899, to approve of the following amendment of Prisons Regulation No. 75.

JOHN GARLAND.

Clause A of Regulation No. 75, published in the *Government Gazette* No. 55 of 13th May, 1908, is hereby repealed, and the following clause substituted therefor :—

A. The Comptroller-General may recommend that any prisoner may, by good conduct and industry, be granted a remission of sentence in accordance with the following scale and conditions, but in no case will a recommendation be made that a term of imprisonment be reduced to less than three months :—

Sentences exceeding twelve months.

Female prisoners having no previous convictions of any kind—a remission not exceeding one-third of the sentence.

Prisoners having no previous recorded sentence of six months or upwards—a remission not exceeding one-fourth of the sentence.

Prisoners having one such previous sentence—a remission not exceeding one-fifth of the sentence.

Prisoners having more than one such previous sentence—a remission not exceeding one-sixth of the sentence.

Sentences not exceeding twelve months, but exceeding three months.

Prisoners who have not actually served a sentence of or exceeding forty-eight hours, whether in default of paying a fine or otherwise—a remission not exceeding one-fourth of the sentence.

Prisoners having previously served one such sentence—a remission not exceeding one-fifth of the sentence.

Prisoners having previously served two or more such sentences—a remission not exceeding one-sixth of the sentence.

Provided that, unless His Excellency the Governor shall otherwise direct, release under this Regulation of a prisoner serving a sentence shall be upon a license under section 463 of the Crimes Act, 1900, to be at large within the limits specified in the license during the unexpired portion of the sentence, subject to the following conditions :—

(a) That the licensee shall be of good behaviour.

(b) That the licensee shall not associate with persons of bad character.

(c) That the licensee shall report to the Comptroller-General at such times and places, and in such manner as he may from time to time direct by endorsement on the license.

(d) That the licensee shall comply with such special conditions as may be endorsed on the license.

The Comptroller-General, when he is of opinion that any of the conditions are not being observed by the licensee, may recommend that the license be revoked.

No. 30.

J. C. L. Fitzpatrick, Esq., M.L.A., to The Attorney-General and Minister of Justice.

Dear Sir,

2 December, 1910.

I tried to get you several times to-day on the 'phone, as arranged, but failed. *Re* Mrs. Jackson's case, I will be glad if you would send me wire to-morrow morning to M. Long, and oblige.

Yours, &c.,

J. C. L. FITZPATRICK.

Attorney-General instructs that wire be sent as follows :—“Find further report necessary. Am dealing favourably with case. Decision probably Monday.”—A.F.J., 3/12/10. Mr. Fitzpatrick (wire), 3/12/10.

No. 31.

Departmental Memorandum.

Respecting the Case of Prisoner Margaret Jackson.

2 December, 1910.

I HAVE gone through these papers, and have taken out and attach the following, bearing upon the Minister's minute of the 1st instant:—

- (1) Extract from *Evening News* of 28th November, 1905.
- (2) Order of High Court allowing appeal.
- (3) Minute of Crown Solicitor, asking for instructions in view of the order of High Court and decision of Mr. Wade directing that steps be taken to enforce the sentence.
- (4) Extract from *Evening News* of 23rd April, 1906.
- (5) Letter from Mr. W. Blackett, addressed to Mr. Holman, stating that High Court made no order for rearrest.
- (6) Answer by Mr. Wade to question in Legislative Assembly on 9th April, 1908.
- (7) Extract from *Hansard* of 9/12/08—statement by Mr. Fitzpatrick, M.L.A., in connection with consideration of Estimates.

(07/14,612).

The statement appearing in the *Evening News*, 28/11/05, was brought to Mr. Wade's notice by letter from Mr. F. S. Farnell, in which he urged the prisoner's release.

Decision.—“No recommendation.—C.G.W., 3/10/07.”

Statement (08/16,115) referred to in letter presented by Mr. Fitzpatrick, M.L.A.

Minute of Mr. Wade.—“Inform that I cannot make any recommendation.—C.G.W., 24/10/08.”

08,19,545.

Statement again referred to in petition presented by Mr. Fitzpatrick.

Decision.—“No recommendation.—C.G.W., 13/1/09.”

There is nothing in these papers showing that Mr. Wade denied the press report of 28/11/05. Attention is invited to answer to Question No. 6 above.

The judgment of the High Court was that the appeal be allowed, and that the said judgment of the Supreme Court be reversed, and that the said conviction be affirmed. Attention invited to Order No. 2 above. J.W.H.

The Under Secretary.

Submitted. In reply to the Minister's inquiries of yesterday's date, I have to say: (1) The late Attorney-General accepted the newspaper report of 28/11/05—*vide* newspaper report of 23rd April, 1906, and answers to questions in the Legislative Assembly on 9th April, 1908. (2) The High Court did not order Mrs. Jackson's rearrest—*vide* order of the Court herewith.—J.L.W., 2/12/10.

I recommend the release on license of this prisoner on 21 December, 1910. Inform Mr. Fitzpatrick, Mr. Mehan, M'sP.—W.A.H., 10/12/10.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MINUTE OF THE ATTORNEY-GENERAL IN CONNECTION WITH THE REPRIEVE OF PRISONER
WILLIAM JOHN PHILLIPS.)*Printed under No 1 Report from Printing Committee, 1 December, 1910.**[Laid upon the Table of the House in accordance with promise made in answer to Question No. 10, Votes
No. 7, Wednesday, 30th November, 1910.]*

Question.

10. Mr. Levy asked The Attorney-General and Minister of Justice,—Will he lay upon the Table of this House a copy of the minute placed on record in connection with the recent reprieve of Phillips?

[Registered Paper No. 1910-17,325]

Case of Prisoner Phillips *re* Commutation of Death Sentence.

THE Cabinet have only decided to recommend commutation of the death sentence in this case on the understanding, arrived at by my colleagues after several hours' earnest consideration, that this prisoner shall not, so far as any decision of theirs can affect him, be again liberated.

Holding as they do that the death penalty should only be imposed in cases of premeditated and calculated murder, in which it might act as a deterrent to others, they have determined to commute it in this case, which they look upon as one of passion and violence. At the same time, amongst cases of the latter class of crime, they regard it as one of the most atrocious. They have decided to spare this prisoner's life on the condition that he is kept a life-long prisoner, as being a person who should not be let loose upon society.

When any future Cabinet is called upon to deal with any petition praying for the remission of this man's sentence, they trust their successors will consider this their minute, framed after anxious deliberation extending over two days, will bear in mind that the case can only come before them as a result of the action of the present Ministry, and will accordingly give ample weight to the views as to Phillips' detention which that Ministry now expresses.

25th October, 1910.

W. A. HOLMAN,
Attorney-General and Minister of Justice.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLOSER SETTLEMENT.

(RETURN RESPECTING ESTATES RESUMED FOR PURPOSES OF, AND ESTATES PROCLAIMED BUT NOT AUTHORISED FOR RESUMPTION PURPOSES.)

*Printed under No. 1 Report from Printing Committee, 1 December, 1910.**[Laid upon the Table of the Legislative Assembly in connection with a Question asked by J. C. L. Fitzpatrick, Esq., M.L.A.]***Question.**

50. CLOSER SETTLEMENT:—Mr. J. C. L. Fitzpatrick asked the Secretary for Lands,—

- (1) How many resumed estates are at present in course of subdivision for closer settlement purposes, with names, area, and location?
 (2) How many estates have been proclaimed, but not authorised for resumption purposes, with names, area, and location?
 (3) What course does he propose to take with regard to carrying out the principles of the Closer Settlement and Closer Settlement Promotion Acts?

Answer.

(1) Eleven ; as follows :—

Name.	Area.	Location.
	acres	
Hardwicke	6,129	Yass.
Nangus	7,455	Gundagai.
Tuppal... ..	49,161	Finley.
Cole Park and Malton	3,188	Goulburn.
Gunningbland... ..	12,404	Parkes.
Tibberecnah	12,307	Narrabri.
Crowther	10,521	Young.
Wandary	8,959	Forbes.
Warrah	45,000	Quirindi.
Maharatta	20,107	Bombala.
Bibbenluke	16,210	"
Total	191,441	

(2) Five ; as follows :—

Name.	Area.	Location.
	acres.	
Gunnible	31,257	Gunnedah.
Colly Creek	36,386	Quirindi.
Bangheet and Gineroi... ..	37,838	Bingara.
Bengalla	12,000	Muswellbrook.
Gundry Plains	12,737	Goulburn.
Total	130,218	

The power of resumption in the cases of Gunnible and Colly Creek has been suspended for two years, under Section 4 of the Closer Settlement (Amendment) Act of 1909.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLOSER SETTLEMENT.

(RETURN SHOWING ESTATES OF WHICH ACQUISITION HAD BEEN APPROVED BY PARLIAMENT PRIOR TO 30TH JUNE, 1910, AND WHICH WERE NOT PAID FOR AT THAT DATE.)

*Printed under No. 3 Report from Printing Committee, 15 December, 1910.**[Laid upon the Table of the Legislative Assembly in connection with a question asked by C. G. Wade, Esq., M.L.A.]*

RETURN showing Estates of which acquisition had been approved by Parliament prior to 30th June, 1910, and which were not paid for at that date.

Estate.	Purchase money.			Date of acquisition.	Date of payment.	Remarks.
	£	s.	d.	1910.	1910.	
Pine Ridge ...	28,533	1	0	13 March ...	30 August.	Amount not yet paid.
	746	8	5	.....	.....
Larras Lake ...	53,830	0	0	13 October ...	28 September.	
North Logan ...	54,456	15	0	12 January ...	.....
Hardwicke ...	26,050	1	8	12 November...	28 November.	
Nangus ...	29,818	13	0	19 „ ...	7 December.	
Tuppai ...	221,223	13	8	26 „ ...	26 November.	
Cole Park and Malton ...	14,133	5	10	.....	.....	Not yet acquired.
Gunningbland ...	37,212	0	0	.....	.....	„ „
Tibbereenah ...	49,022	4	9	31 August ...	.....
Crowther ...	52,078	9	8	6 October ...	.....
Wandary ...	36,955	0	6	.....	.....	„ „
Warrah ...	180,800	0	0	31 August ...	.....	Subject to appeal.
Maharatta ...	72,385	4	0	17 „ ...	.....
Bibbenluke ...	60,792	0	0	.....	.....	Not yet acquired.
Total ...	£918,036	17	6			

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and supported by appropriate evidence. This includes receipts, invoices, and other relevant documents that can be used to verify the accuracy of the records.

In addition, the document highlights the need for regular audits and reviews. By conducting periodic checks, any discrepancies or errors can be identified and corrected promptly. This helps to ensure the integrity and reliability of the financial data being recorded.

Furthermore, the document stresses the importance of transparency and accountability. All transactions should be clearly labeled and categorized, making it easy for anyone reviewing the records to understand the nature and purpose of each entry. This level of transparency is essential for building trust and confidence in the financial reporting process.

Finally, the document concludes by reiterating the significance of diligent record-keeping. It serves as a foundation for sound financial management and decision-making. By following these guidelines, individuals and organizations can ensure that their financial records are accurate, complete, and reliable.

1910.
(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CLOSER SETTLEMENT PROMOTION ACT, 1910.
(RETURN SHOWING APPLICATIONS FOR LAND UNDER THE.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

RETURN showing Applications under the Closer Settlement Promotion Act, 1910.

Name of Estate.	Area.			No. of Settlers.	District.
	a.	r.	p.		
Cooroogong	810	0	0	3	Bathurst.
Hughes'	159	0	0	3	Lismore.
Stratheden	1,640	0	0	3	Wagga Wagga.
Strathmore	1,974	0	0	5	"
Teasdale	771	1	0	3	Bathurst.
Tomki	1,387	1	0	9	Casino.
"	601	0	9	4	"
Warrah Lea	4,732	0	0	9	Temora.
Woodlands	1,789	0	0	5	Muswellbrook.
				44	

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91	92	93	94	95	96	97	98	99	100

1910.

(SECOND SESSION).

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PUBLIC INSTRUCTION ACT, 1880.

(NEW REGULATION, NO. 94, UNDER.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

NEW REGULATION MADE UNDER THE PUBLIC INSTRUCTION ACT, 1880, RELATING TO THE AWARD OF "A" AND "B" SCHOLARSHIPS TO INTENDING STUDENTS OF THE TEACHERS' TRAINING COLLEGE, TO SUPERSEDE THE EXISTING REGULATION, NO. 94.

[APPROVED BY HIS EXCELLENCY THE GOVERNOR IN COUNCIL.]

[Presented to Parliament pursuant to the provisions of Section 37, Public Instruction Act, 1880.]

Department of Public Instruction.

REGULATION UNDER PUBLIC INSTRUCTION ACT—TRAINING COLLEGE SCHOLARSHIPS.

4. *College Scholarships.*

REGULATION 94.—Scholarships will be awarded annually by the Minister, and will be of two kinds, as follows:—

- A. Scholarships of the value of £20 per annum, including a grant of the necessary text-books and exemption from payment of College fees. An additional grant of £30 per annum will be made to holders of these Scholarships who have to board away from home.
- B. Scholarships of the value of £10 per annum, including a grant of the necessary text-books and exemption from payment of College fees. An additional grant of £15 per annum will be made to holders of these Scholarships who have to board away from home.

1910.

(SECOND SESSION.)

• LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PUBLIC INSTRUCTION ACT, 1880.

(AMENDED REGULATIONS Nos. 20, 21, 24, 25, 33, AND 31 UNDER.)

Printed under No. 1 Report from Printing Committee, 1 December, 1910.

AMENDED REGULATIONS UNDER THE PUBLIC INSTRUCTION ACT OF 1880.

(c) JUNIOR TECHNICAL SCHOLARSHIPS.

20. Junior Technical Scholarships to the number of twenty (20) annually shall be available for pupils of the following groups of schools, the number allotted to each group to be determined in connection with each annual examination:—

Group (a)—Schools in Classes I, II, III, and IV.

Group (b)—Schools in Classes V, VI, and VII, including subsidised schools.

(i) Junior Technical Scholarships shall be tenable for two years at a Technical College or School, or Continuation School, for courses of instruction approved by the Minister, and shall entitle the holders to exemption from payment of fees, and to a grant of text-books and instruments not exceeding in value one pound ten shillings (£1 10s.) per annum, and, where such is necessary, to a travelling allowance not exceeding five pounds (£5) a year, to enable the holders to travel from and to their homes to and from the nearest Technical College or School where the desired course of instruction is available.

(ii) The examination for these Scholarships will be open to all boys and girls under 15 years of age on the date of examination.

JUNIOR TECHNICAL BURSARIES.

30. Junior Technical Bursaries to the number of twenty (20) annually shall be available for pupils of the following groups of schools, the number allotted to each group to be determined in connection with each annual examination:—

Group (a)—Schools in Classes I, II, III, and IV.

Group (b)—Schools in Classes V, VI, and VII, including subsidised schools.

(i) Junior Technical Bursaries shall be tenable for two years at a Technical College or School, or Trade School, for courses of instruction approved by the Minister, and shall entitle the holders to exemption from payment of fees, and to a grant of text-books and instruments not exceeding in value one pound ten shillings (£1 10s.) per annum, and, where such is necessary, to a travelling allowance not exceeding five pounds (£5) a year, to enable the holders to travel from and to their homes to and from the nearest Technical College or School where the desired course of instruction is available.

(ii) In addition to the above, holders of Junior Technical Bursaries who must necessarily board away from home in order to attend the prescribed courses, shall receive an allowance of twenty pounds (£20) per annum; but when it is not necessary on account of distance to board away from home the allowance will not exceed ten pounds (£10) per annum.

(iii) The examination for these Bursaries will be open to boys and girls under 15 years of age on the date of the examination, provided they have attended a State school with reasonable regularity for one year preceding the date of examination.

(d) INTERMEDIATE TECHNICAL SCHOLARSHIPS TO TECHNICAL COLLEGE COURSES.

21. Intermediate Technical Scholarships to the number of twelve (12) annually shall be awarded to boys to enable them to attend a Technical College for any one of the following day courses:—

Agriculture, Sheep and Wool Training; Chemistry, Assaying, and Metallurgy; Mechanical Engineering; Sanitary Engineering; Mining; Architecture; Art.

(i) These Scholarships will be tenable for three (3) years, and will entitle the holders to exemption from payment of fees, and to a grant of text-books and instruments not exceeding in value one pound ten shillings (£1 10s.) per annum, and, where such is necessary, to a travelling allowance not exceeding five pounds (5) a year, to enable the holders to travel from and to their homes to and from the nearest Technical School where the desired course of instruction is available.

(ii) The examination for these Scholarships will be open to all boys still attending school over 17 years of age on the date of examination: Provided that a Junior Technical Scholar at the completion of his Junior Technical Scholarship course may compete for an Intermediate Technical Scholarship, notwithstanding the fact that he has not reached the age of 17 years.

TO COOKERY CLASSES AT SYDNEY TECHNICAL COLLEGE.

24. Three Scholarships shall be awarded annually for competition amongst girls between 16 and 18 years of age who have gone through a course of instruction in Cookery in any of the Technical Schools or Colleges or Public Schools under this Department.

(i) The Scholarships will be tenable for two years at the Sydney Technical College, and will entitle the holders to exemption from payment of fees during the complete Cookery Course, and to a grant of text-books not exceeding in value one pound (£1). When a student holding a Scholarship must necessarily board away from home in order to attend the College, an allowance of thirty pounds (£30) per annum will be granted.

(ii) The holders of these Scholarships will be required to undergo the necessary training as Assistant Teachers of Cookery. Should, however, a student show, before completion of the first year's course, that she does not possess the necessary qualifications for teaching, the Scholarship will be withdrawn at the end of the first year.

TO DRESSMAKING AND MILLINERY CLASSES AT THE SYDNEY TECHNICAL COLLEGE.

25. Three Scholarships shall be awarded annually for competition amongst girls between 16 and 18 years of age who desire to become Teachers of Dressmaking and Millinery.

(i) The Scholarships will be tenable for two years at the Sydney Technical College, and will entitle the holders to exemption from payment of fees whilst attending the classes prescribed in the College Calendar, and to a grant of text-books and instruments not exceeding in value one pound (£1). When a student holding a Scholarship must necessarily board away from home in order to attend the College, an allowance of thirty pounds (£30) per annum will be granted.

(ii) The holders will be required to pass the annual examinations in the subjects in which they receive instruction. Should, however, a student show, before the completion of the first year's course, that she does not possess the necessary qualifications for teaching, the Scholarship will be withdrawn at the end of the first year.

INTERMEDIATE TECHNICAL BURSARIES: TO ORGANISED DAY COURSES AT SYDNEY TECHNICAL COLLEGE.

31. Twelve Intermediate Technical Bursaries shall be awarded annually upon competitive examination to boys who have attended any school under the Department of Public Instruction for two years, and who are under 17 years of age on the date of examination.

(i) The Bursary will be tenable for three years at any of the organised day courses of the Sydney Technical College, and will entitle the holder to exemption from payment of fees, to a grant of text-books and instruments not exceeding in value one pound ten shillings (£1 10s.) per annum, and to an allowance of ten pounds (£10) per annum when the student resides at home, and to an allowance of thirty pounds (£30) per annum when the student must necessarily board away from home to attend the classes.

The above-mentioned Regulations are those referred to in Executive Minute No. 457, dated 8th November, 1910.

1910.

(SECOND SESSION.)

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PUBLIC INSTRUCTION ACT OF 1880.

(REGULATIONS RELATING TO HIGH SCHOOLS AND SCHOLARSHIPS.)

Presented to Parliament in accordance with the provisions of Section 37 of Public Instruction Act of 1880.

Printed under No. 2 Report from Printing Committee, 8 December, 1910.

Department of Public Instruction,
Sydney, 7th December, 1910.

HIGH SCHOOLS AND SUPERIOR PUBLIC SCHOOLS.

REGULATIONS UNDER PUBLIC INSTRUCTION ACT OF 1880,
RELATING TO.

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance with the 37th section of the Public Instruction Act of 1880, has been pleased to approve of the following Regulations governing the conditions of admission to and award of Scholarships tenable at High Schools, and the establishment, organisation, and management of High Schools and Superior Public Schools from and after 1st January, 1911, being made in accordance with the provisions of the aforesaid section.

GEO. S. BEEBY.

HIGH SCHOOLS.

Length of High School Course.

1. High Schools shall provide advanced education for periods of not less than four years for pupils who have completed the primary course of instruction.

Courses of Instruction.

2. The courses in High Schools shall provide for instruction in English Language and Literature, History, Ancient and Modern Languages, Mathematics, Science, and such other subjects as the Minister may deem necessary; and these courses may be general, commercial, or industrial in such schools as the Minister may determine.

High School Fees.

3. No tuition fees shall be charged at High Schools, but pupils must provide themselves with the text books and material required for their individual study or use.

Admission by Qualifying Certificate.

4. Pupils seeking admission to a High School shall be required, as a condition of admission, to obtain a qualifying certificate, indicating fitness to enter upon High School studies.

Examination for Qualifying Certificate.

5. Qualifying certificates shall be awarded to pupils seeking admission to a High School who show by examination and by such other tests as may be applied that the course of study prescribed for fifth classes in Primary Schools has been satisfactorily completed. Examinations for the qualifying certificate shall be held annually in the last quarter of each year.

Nature of Examination and other Tests.

6. The examination for the qualifying certificate shall comprise written tests in English, Mathematics, History, and Geography within the limits prescribed by the Syllabus for Primary Schools, but no certificate shall be issued to any candidate unless it is certified by the Principal of the school that such candidate has regularly attended and satisfactorily followed adequate courses of instruction in all other subjects specified for the Upper Division of schools under one teacher or for fifth classes in schools of more than one teacher.

Applications for Examination.

7. Applications for permission to be examined for the qualifying certificate should be made on forms which may be obtained from the local Inspector of Schools or from the Department of Public Instruction, and which shall be forwarded to the Under Secretary at least four weeks before the date of the examination.

Provision of Four Years' Courses.

8. Each High School shall be organised so as to provide graduated series of studies arranged into first year, second year, third year, and fourth year courses, and pupils shall be classified according to such arrangement of studies.

Promotion of Pupils.

9. The promotion of pupils from first to second year standing and from third year to fourth year standing shall be determined by the Principal of the School. Pupils promoted from second year to third year standing shall first obtain the intermediate certificate.

Intermediate Certificate.—Conditions of Award.

10. The intermediate certificate shall be awarded to pupils of two years standing, provided (1) that they have been in regular attendance upon High School courses for two years, and have been diligent in study and satisfactory in conduct; (2) that they pass a written examination in not less than four subjects of the series of studies taken in the first two years; (3) that the Inspector of Secondary Schools, after consultation with the Principal, certifies that they have satisfactorily followed the subjects of their course of study other than those in which their examination has been passed.

Interim Classification of Pupils.

11. Pupils who upon the passing of these regulations are enrolled in High Schools, or who may be enrolled in Higher Primary Classes in schools hereafter established as High Schools shall be classified as first year, second year, third year and fourth year pupils in accordance with their attainments and the period of time they have been under instruction in subjects equivalent to those prescribed for High Schools, provided that all pupils who are so classified in third year or

fourth year standing shall have first obtained the intermediate certificate, or shall have given evidence of equivalent standing.

Pupils received into advanced standing.

12. Pupils may be received from other schools into advanced standing in High Schools as second, third, or fourth year pupils, provided that they have obtained either the qualifying or intermediate certificate, or that they give evidence that their previous studies qualify them for advanced standing.

Leaving Certificate.

13. A leaving certificate shall be issued under conditions prescribed in these regulations to each pupil who has completed the High School course of study, and such certificate shall indicate the nature of the courses followed by the pupil and the result of the final examination.

Leaving Certificate.—Conditions of Award.

14. Leaving certificates shall be awarded to pupils who have complied with the conditions:—(1) that they have graduated through the four years' courses of a High School, or, in the case of pupils received into advanced standing, courses equivalent thereto; (2) that they are reported by the Principal as satisfactory in conduct and personal character; (3) that they pass the final examination in not less than four subjects; (4) that the Inspector of Secondary Schools, after consultation with the Principal, certifies that they have satisfactorily followed the subjects of their course of study other than those in which their examination has been passed.

Leaving Certificates, with Honours.

15. A pass with honours may be obtained by any pupil who passes with distinction in any subject taken for the leaving certificate. In such schools as may be for the purpose approved by the Director of Education, a fifth year's course may be provided for pupils who desire to proceed to a leaving certificate with honours in any subject or group of subjects.

Examination Fees.

16. No fee shall be charged for examination for qualifying, intermediate, or leaving certificates.

Programmes of Work.

17. Each teacher in a High School shall keep throughout the year a record of the instruction given by him, showing fully the nature and scope of the subject matter of such instruction; shall make such record available at any inspection of the school; and shall forward it to the Inspector of Secondary Schools on a date prior to the period for the setting of examination papers.

Inspection of Schools.

18. An inspection of each High School shall be made at least once a year, in order to bring under review the suitability of the school premises, the material organisation and equipment of the school, the method of instruction, the efficiency of the teaching staff, and the general conduct of the school as a whole.

Records of Results of Certificate Examinations.

19. Records of the results obtained by individual pupils at examinations shall be kept in the Department of Public Instruction, and shall be available to public authorities and institutions admitting persons to their services on the basis of comparative merit as shown by competitive examination.

SUPERIOR PUBLIC SCHOOLS.

Length of Course.

20. Superior Public Schools shall provide courses of instruction for two years for pupils who have completed the primary course and have obtained the qualifying certificate.

Subjects of Instruction.

21. The courses of instruction in Superior Public Schools shall provide for advanced study in subjects of the primary course, and shall be adapted to the needs of pupils whose attendance at school will not extend beyond two years after the completion of the primary course, but shall not include instruction in any language other than English, except in schools in which such instruction has been sanctioned by the Minister.

Intermediate Certificate.

22. Pupils who have completed the two years' course of higher instruction in Superior Public Schools may obtain the intermediate certificate under conditions corresponding to those prescribed for pupils of High Schools.

Limit of School Attendance.

23. Pupils who have obtained the intermediate certificate shall not be retained as pupils of Superior Public Schools unless with the sanction of the Minister.

HIGH SCHOOL SCHOLARSHIPS.

Pupils eligible.

24. Scholarships shall be awarded annually to boys and girls under 14 years of age on the first day of January following the examination who show the greatest merit in the examination for the qualifying certificate, provided that at the first examination held under these regulations pupils under 15 years of age on the date of examination shall be eligible.

Allotment to Non-State School Pupils.

25. A number of scholarships, available each year, admitting to Public High Schools, shall be set apart for competition among pupils of schools not under the Department, under the same conditions as apply to other pupils. The number of such scholarships shall bear to the total number of scholarships available a ratio approximating to the ratio of the enrolment of pupils, 6 to 14 years of age, in Primary Schools, not under the Department, to the total enrolment of Primary Schools, 6 to 14 years of age, in the State.

Tenure of Scholarship.

26. Scholarships shall be tenable at a High School for a period of four years from the date of award, provided that they shall be continued for the third and fourth year of this period only on the condition that the holder has obtained the intermediate certificate.

Allotment of Scholarships to Districts.

27. The number of scholarships available shall be determined annually, and shall be allocated to the various High Schools, the scholarships so allotted to each school being available for pupils within the district served by the school and tenable at no other school. Provided that a scholarship may be transferred to a school in another district to which the home of the pupil may be removed. Provided also that a pupil may enter for a scholarship in a school outside the district in which his home is situated, but shall, in that case, compete with other pupils seeking admission to the same school.

Allotment to Schools of different Classes.

28. The scholarships allotted to each District High School shall be divided into two groups, one group being available to pupils of schools of the first, second, and third class, and the other group for pupils of schools of lower classes.

Nature of Scholarship.

29. Each scholarship shall entitle the holder to a grant of text books or other school material for personal use not exceeding in value £1 10s. per annum, and under specified conditions to a grant in aid of maintenance or travelling. Each holder of a scholarship will be required to provide himself with text books and other material for personal use beyond the limit of £1 10s. per annum.

Supplementary Grants for Maintenance.

30. Grants in aid of maintenance or travelling expenses may be made to holders of scholarships whose parents or guardian on applying for such aid show by statutory declaration that their total annual income does not provide a quota of more than £50 per annum for each member of the family including the parents and excluding children earning a wage of 10s. or more weekly.

Amount of Supplementary Grants.

31. Grants in aid shall comprise grants of £30 per annum or of £20 per annum to pupils obliged to live away from home to attend school, and grants of £10 or £5 per annum to pupils who can travel to and from school and home daily, the number of such grants to be determined annually by the Minister according to the annual appropriation of funds made by Parliament for the purpose.

Scholarships and Supplementary Grants to Pupils above age limit.

32. A limited number of scholarships with grants in aid of maintenance or travelling may be made annually to pupils who do not exceed the limit of age by more than one year, provided that it is shown to the satisfaction of the Minister that such pupil had not reasonable opportunities of preparation for the qualifying certificate within the time limit, but such scholarships shall not be available for pupils already enrolled at High Schools.

Board and Lodging in lieu of Grants.

33. Where in connection with any High School a hostel or other means of providing for the board and lodging of pupils has been established under the control of the Minister, such board and lodging may be granted either free or at reduced cost in cases where grants in aid would otherwise be allowed to scholarship holders under these regulations.

Examination for Scholarships.

34. The examination for the qualifying certificate shall be the examination determining the award of scholarships, but no scholarship shall be awarded to any pupil unless the conditions under which the qualifying certificate may be awarded to such pupil have been fulfilled.

Withdrawal of Scholarship.

35. A scholarship or a supplementary grant may be withdrawn at any time during its currency if the holder fails to attend classes regularly and punctually, or fails to give evidence of satisfactory progress, or if the report of the Principal of the school upon the conduct of the holder is not satisfactory.

Scholarship Holders to stay Four Years.

36. Before any scholarship is awarded the parent or guardian shall certify that it is his intention that the holder of the scholarship shall attend at school for the whole period of four years for which the scholarship is tenable.

Applications for Grants in aid.

37. Parents or guardians who desire to obtain a grant in aid for maintenance or travelling expenses must fill in and forward to the Inspector of Schools for the district the necessary form of application containing the statutory declaration required not later than the date on which the examination is held. The form of application should be obtained beforehand from the local Inspector.

Scholarships at other than High School of the District.

38. Parents or guardians desiring that a scholarship may be held at a High School, other than the High School of the district in which their home is situated, shall notify the Inspector to that effect not later than the date of the examination. Where in country districts the holder of a scholarship shows to the satisfaction of the Minister that he is unable to attend at the nearest High School the Minister may sanction the holding of such scholarship for a period of two years at a Superior Public School more conveniently situated.

Maintenance of previously existing Scholarships and Bursaries.

39. All scholarships and bursaries which are current at the passing of these regulations shall be maintained under the conditions governing the original award up to the date of their expiry as determined by the conditions aforesaid; but, in order to enable the holder of such scholarship or bursary to complete the four years' course, the Minister may grant a scholarship with or without a supplementary grant for the remainder of the period.